

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-095

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Judge:	No. 1085514668A No. 1051514668B
Complainant:	No. 1466810515A

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**ORDER**

The complainants alleged two justices of the peace mishandled injunction against harassment cases because of a relationship between one party and a court employee.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the complaint, responses from the judges, and the recordings of the respective proceedings, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: August 20, 2013.

FOR THE COMMISSION

/s/ George Riemer  

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainants and the judges on August 20, 2013.

*This order may not be used as a basis for disqualification of a judge.*

On February 8, 2013, we filed for an injunction against harassment against our 16 year old neighbor, [redacted], as suggested by [redacted] multiple times. [redacted] heard the case, and because we didn't have proof, he scheduled a hearing to decide if he would issue the injunction or not. [redacted] told us that the reason for the hearing was because he wanted to "see the character" of the defendant before he would decide for or against the injunction.

On February 15, 2013, we had the hearing in front of [redacted] for the injunction against harassment against [redacted]. [redacted] did not appear in court, he was represented by his father, [redacted]. At that time, we were informed that [redacted] wife, [redacted] works for the court and knows the Judge. [redacted] informed us that we could have the hearing moved to a different judge that didn't know the defendant's mother, but assured us that he could be fair if we chose not to. We were also informed that because the defendant was a minor, he was not required to appear in court. The only reason we didn't drop the request for the injunction on February 8 was because of the Judge's comments and concerns about the defendant's character, yet [redacted] didn't require the defendant to be present. Since the defendant wasn't present and because one of our witnesses had driven 2 1/2 hours to be present, we elected to move forward with the hearing that day instead of having it seen by another Judge. The injunction was not issued.

On February 25, 2013, [redacted] issued an injunction against harassment to [redacted] husband, against me. There was no hearing, and seeing as [redacted] works for the court, and the fact the [redacted] was going to have the first hearing moved because of this fact, I believe that [redacted] should have dismissed herself and had another Judge rule on the injunction. It is a reasonable assumption that if [redacted] works with [redacted] and sees her daily at work, the same must also be true for [redacted]. This seems like a complete conflict of interest to rule on a co-worker's case, especially without a hearing to hear the defendant's side or to give the opportunity to have the case moved.

The instances of harassment that [redacted] cited in his request for the injunction against harassment against me are false. There must be two instances in the last year. In the first instance, [redacted] threatened me, not the other way around. His second instance is a claim that I "brought frivolous case against" him. I did not file for the injunction against his son, my wife did, and the injunction was against his son, not him. The third instance refers to contact I had with his son. I observed his son take a bunch of trash down the wash behind my house, as I have seen him do in the past. Because he has littered and left his trash in the wash before, as well as multiple times I've seen him leave trash on the empty lot next to my house, I asked him what he was doing and if he planned on removing his trash. [redacted] yelled multiple foul words at me and threatened that his father would take care of me. None of these facts were taken into consideration, however, and [redacted] granted the injunction against me anyway. The only reason I can see for this action is that [redacted] works at the court.