

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-153

Judge:	No. 1060914702A
Complainant:	No. 1060914702B

ORDER

The complainant alleged a superior court judge had an inappropriate demeanor and improperly declined to hear pending issues in his case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge a private advisory regarding Rule 2.8 of the Code. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 21, 2013.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on August 21, 2013.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2013-159

COMPLAINT AGAINST A JUDGE

Your name: _____ **Judge's name:** _____ **Date:** 6-18-2013

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names; dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Our case was heard on this date, 6-18-2013 and originally scheduled for 30 minutes, at 2:00 in the afternoon. My filing had 3 subjects, all dealing with travel with my daughter, to cover in court. The first subject was covered and agreed to very quickly. The judge acted like, OK, we're done, and I reminded him of the other 2 issues to cover. After some testimony from myself and the other party, Patricia Skains, the Judge acted disgusted and said this is a return hearing and then looked at his 2 clerks and said he wanted to set another date for the 2 issues yet to be decided. He then said, to his clerks, I don't care when you set it, it could be in December. One clerk said, September 3rd at 9:30. The Judge then got up and left and not 10 minutes had passed since we started. My complaint is that I feel the Judge should have heard and decided all 3 issues, all pertaining to travel with my child, during our 30 minutes of allotted time. I checked the docket and there wasn't anything on the schedule until 3:00pm, meaning even if we ran over, we still had until 3pm when the next hearing was scheduled. So now I still can't travel with my daughter (other 2 issues) for 3 months because the Judge refused to hear it when there was plenty of time. My complaint specifically is, the Judge shouldn't have acted disgusted at the issues, and he should have HEARD the rest of the case and decided on it. Assuming I prevail, how is it in the best interest of my child that the Judge delay his work on my filing, thus delaying the ability of my child to travel with me and miss important family functions as a result of this Judges "disgusting" behavior and not hearing my case? Furthermore, the Judge acted inappropriately when he looked to his clerks and said, "you can set it in December" meaning he really didn't want to hear this case. I would hope that this Judge would be reminded that he needs to "hear" everything that which has been filed regardless if he doesn't care for the subject matter. I would also hope that there would be the possibility of getting back into court sooner to finish deciding the rest of my filing, which "would be" in the best interest of my child.

(Attach additional sheets as needed)