

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-169

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Judge:	No. 1069614714A
Complainant:	No. 1069614714B

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**ORDER**

The complainant alleged a municipal court judge was rude and disdainful.

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 reviewing the complaint and the relevant hearing recording, the commission found no evidence of ethical misconduct and concluded that the judge 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 28, 2013.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on August 28, 2013.

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

JUL 03 2013

*JUDICIAL COMPLAINT*

06/28/2013

**COMES NOW**, the Undersigned Complainant, \_\_\_\_\_, and pursuant to Rule 20 of the Rules of the Commission on Judicial Conduct, hereby files this written complaint against \_\_\_\_\_ Court Judge \_\_\_\_\_.

The undersigned complainant is a licensed Arizona attorney, bar \_\_\_\_\_, and has been a certified specialist in criminal law since \_\_\_\_\_. The undersigned was admitted to the State Bar in \_\_\_\_\_ and has practiced law since that time in \_\_\_\_\_ County, with an office in \_\_\_\_\_.

On April 12, 2013, the undersigned attended a hearing at the \_\_\_\_\_ Municipal Court involving my 15 year old daughter, \_\_\_\_\_. Although not my biological child, I have raised her since birth and she has always called me "Dad." \_\_\_\_\_ had been placed on juvenile probation earlier in 2013. She had not fulfilled some of her probation conditions, including community restitution, so an Order to Show Cause was issued and set for hearing. Her mother, \_\_\_\_\_, appeared with \_\_\_\_\_. The undersigned appeared in a civilian capacity, and sat in the back of the courtroom, because this court had previously forbidden me from appearing with \_\_\_\_\_ in the capacity of a parent or guardian, because my name does not appear on her birth certificate. Ironically, at the time of the April 12 hearing, \_\_\_\_\_ was living with me, rather than her mother.

addressed and as they stood directly in front of the bench. She first rejected ; essay on alcohol abuse, telling her to re-write it, and then turned her attention to her deficient community restitution hours. During this discussion, ; asked and ; for the name of ; supervisor at ; , where she was doing her community restitution. Both struggled to come up with the name of this individual, and looked back to me for help. I had met her supervisor as I transported ; to all of her work sessions, and knew his name. I assumed that the court wanted this information from someone, so I volunteered the name of this person. I have seen this happen at Superior Court arraignments, and the judges are always happy to receive the correct address or whatever information they are seeking, even if it comes from a relative in the gallery.

That was not the case with ; . She seized on this opportunity to castigate me for this seemingly innocent divulging of information which she asked for, saying ; don't do that," and "you were not called on by the court, you know better than that" (I have a recording of the proceedings, and have listened to it several times). When I tried to explain that I thought she would want my input to have the information she wanted, she told me that I was "disrupting the court." I was stunned and walked out of the courtroom. I have never been treated that disdainfully by a judge in my legal career. As an attorney in private practice with no court contracts, I am dependent on my good reputation to generate retained criminal cases. I have the respect of the local judiciary, and carefully safeguard the reputation I have earned through many

years of competent, ethical practice in the same downtown location. To have a jurist attempt to damage this reputation needlessly is of great concern. In my eyes, I did nothing to earn this rebuke, and believe her conduct was out of line and potentially injurious to my practice.