

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-211

Judge: Julie P. Newell

Complainant: Jesse Wayne Gambill

ORDER

The complainant alleged that a superior court commissioner was rude, denied him the right to counsel, prejudged his case, and improperly extended a protective order.

Rule 1.2 of the Code of Judicial Conduct requires judges at all times to act in a way that promotes confidence in the judiciary and to avoid both impropriety and the appearance of impropriety. Rule 2.8 requires judges to “be patient, dignified, and courteous” toward litigants.

Commissioner Newell summarily rejected an attorney’s attempt to appear and provide his notice of appearance at the time of a hearing. There is no applicable procedural rule requiring attorneys to file a notice of appearance before appearing with a client at a hearing, and when the attorney pointed this out, the commissioner responded, “I say it has to be, and that’s how I run my court. And everybody knows it.” This statement suggested that all members of the public and legal community are aware of her personal rule on how attorneys qualify to appear in her court. It is also incongruent with the commissioner’s self-described need to use a harsh tone with unrepresented litigants – had she allowed the attorney to appear the complainant would not have been unrepresented.

Throughout the remainder of the hearing, based on a review of the video recording, commission members found that Commissioner Newell was not patient, dignified, or courteous with the litigants. Rather, she was impatient, harsh, and intimidating. Such conduct does not promote public confidence in the judiciary.

Finally, at the conclusion of the hearing, Commissioner Newell decided to extend an order of protection for an additional year and apparently made substantive modifications to the order. Beyond directing the parties to read the order, however, Commissioner Newell failed to provide any notification either on the record or in her subsequent minute entry as to the modifications she was making. This failure to provide the parties anything beyond a direction to read a

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

subsequent protective order did not provide them fair notice of what was expected of them.

The commission finds that Commissioner Newell's conduct throughout the underlying hearing violated Rules 1.2 and 2.8.

Accordingly, Superior Court Commissioner Julie Newell is hereby publicly reprimanded for judicial conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judge's response, and this order shall be made public as required by Rule 9(a).

Dated: December 11, 2013.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the commissioner on December 11, 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

2013-211

COMPLAINT AGAINST A JUDGE

Your name: Jesse Wayne Gambill Judge's name: Com: Julie P. Newell Date: 08/15/2013

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.

FN 2011-050330 is case number only matters were held on 11/21/2012. Commissioner Julie

P. Newell concluded the matters in Courtroom 101 of the Northeast Regional Courthouse.

I apologize for the time in which this complaint is being filed. I was not informed on how or

where I could file such a complaint. Thank you for your time.

Multiple horizontal lines for writing the complaint details.

(Attach additional sheets as needed)

1 I submit this letter to the American Bar Association to voice my
2 concerns regarding Renewing Order of Protection Hearing
3 conducted by Commissioner Julie P. Newell. After reviewing my
4 letter I am requesting the ABA respond to me regarding my
5 concerns with their findings.

6 On 11/21/2012 a hearing was held Bradford Hamill vs. Jesse
7 Gambill. The Commissioner in this matter refused me the right to
8 my attorney therefore my right to a fair trial. She asked my attorney
9 to leave the courtroom. In the first few minutes on record the
10 Commissioner noted to the Clerk she would need the address to
11 both the kids school and the plaintiffs home before we are done
12 here. This assured me she had her mind completely made up before
13 ever hearing either of the parties testimony.

14 The Commissioner seemed very interested in the plaintiff's
15 testimony (often clarifying details) and made sure she gave him
16 time to speak. She also allowed him to enter into evidence exhibits
17 I was never informed of and also refused me a copy of them when I
18 asked.

19 As per the proper reasons for extending a restraining order one
20 must prove violation of a restraining order. The plaintiff admitted
21 to the courts that the 25 police reports made by him regarding his

22 claims of violation of OP were closed with no concern or non-
23 violating factors. The judge still used these against me in her ruling
24 although proof of any account never took place. I requested copies
25 of that too and was denied. The Commissioner used several of the
26 plaintiff's accusations without any proof or evidence against me
27 (see attached sheet)

28 The Commissioner also dated back to incidences or claims of
29 the plaintiffs that were from even before the original OP. The court
30 should not be allowed to enter judgment on such terms. The
31 commissioner acted completely in favoritism of the Plaintiff and
32 was bias from the moment she stepped in the courtroom.

33 When It came my time to speak the Commissioner
34 immediately changed her demeanor and was on the attack. She no
35 longer was acknowledging me while I talk, nor taking notes,
36 instead she talked to Clerk and was filling out a new revised OP.
37 She repeatedly used "UH-HUH's" and "Yeah Sure's" while I was
38 making valuable statements, and "sighs" of dis-concern. On several
39 occasions she rudely interrupted my testimony to bring up
40 undocumented claims made by the Plaintiff. She yelled at me and
41 laughed at my accounts of the story several times. She interrupted

42 me again and asked my Council to call in my Witness Bonni
43 Hamill.

44 In the police report and CPS claim Bradford Hamill (ex-
45 husband of witness Bonni Hamill the Defendants now Girlfriend
46 and mother of Shayla Hamill and Hunter Hamill) says Defendant
47 beat and slammed Bonni violently in front of minor children and
48 also held a large knife to her throat and told children he was going
49 to cut her throat. The accusations also include Defendant threw
50 objects at minor children and made threats towards them too. The
51 police were not notified nor CPS until the children had been with
52 their father for 5 days after the Supposed actions occurred. The
53 plaintiff admits that children told him the night they came home but
54 yet waited 4days to file report. In this time he had time to coach the
55 children on what to say.

56 The police had no findings of bruises on Ms. Hamill, broken
57 furniture and holes in the walls as the Plaintiff claims. Cps also did
58 their own investigation and closed the file as well. None of this
59 should have been used as permutable terms in which to extend the
60 OP, because it had happened more than a year from renewal
61 hearing. It was the basis of the original order and not new findings.
62 Therefore should not have been heard by the courts. Though it was,

63 there still was no evidence to back it up. The plaintiff claimed he
64 received threats through an unidentifiable number that the police
65 reported could not even be found or proven real. Case was also
66 closed.

67 The commissioner began asking LEADING questions directed
68 to Defendants Witness (“So you wouldn’t deny that Defendant
69 committed domestic violence against you, RIGHT” more quotes on
70 attached page) basically leading the Witness to answer in
71 Commissioners favor. I did not think the Commissioner was
72 allowed to do this. She then proceeded to use allegations of the
73 Plaintiffs towards the witness to build a case against the Defendant.
74 Once again dating back well over a year ago and no evidence to
75 support it. She yelled at the witness and told her she was a “LIAR”
76 and an “UNFIT MOTHER” and that “SHE WAS JUST TRYING
77 TO PROTECT ME” and her word had no credibility in her
78 courtroom and then dismissed her without defendant or plaintiff
79 questioning.

80 Commissioner then began repeating claims made by the
81 Plaintiff that were 100% false and had no evidence to support it.
82 Claims dated back to 3yrs prior. Such claims that defendant was
83 charged with DUI with Minor Children in car, Defendant was

84 charged with child neglect. None of these statements and/or claims
85 even exists. It was just accusations made up by Plaintiff. When the
86 Defendant tried challenging these claims Commissioner Newell
87 shouted "SHUT UP I DON'T WANT TO HEAR YOUR LIES"
88 and told Defendant "YOU'RE A REPETATIVE LIAR AND
89 HAVE ZERO CREDIBILITY IN THE COURT ROOM"

90 The Commissioner then decided without any request to
91 Modify the OP and included "AS LONG AS THE MOTHER
92 CONTINUES TO PURSUE ANY CONTACT AT ALL WTH MR.
93 GAMBILL SHE WILL NOT BE ALLOWED TO SEE THE
94 MINOR CHILDREN" she also states that domestic violence
95 occurred in the last year even though there was no claim by either
96 party nor evidence to support it. This Commissioner punished a
97 witness in the case abused her verbally and placed blame of bad
98 parenting based on Plaintiffs none supported claims. The
99 Commissioner also used actions made by the witness to further
00 punish the Defendant and continue the OP.

01 This Commissioner acted bias and played complete favoritism
02 to the Plaintiff and also recommended he go to further measures
03 and try to take the Minor Children from mother entirely. This
04 Commissioner acted in no way any formal member of the Courts

.05 should act. Her actions make a shame of the courtroom and had all
.06 the members watching in complete "AWW" The defendants
.07 attorneys exact words were "I HAVE NEVER WITNESSED A
.08 JUDGE DO AND ACT AS SHE DID, ITS AN OUTRAGE" After
.09 defendant left the court room the Plaintiff stayed behind to seek
.10 council from the Commissioner.

.11 This Commissioner has no right to direct a court proceeding in
.12 this manner therefore has no right on the bench. Her actions are
.13 clearly a failure to the courts and she needs to be removed. Several
.14 people watching the hearing stated they questioned her mental
.15 position or sobriety the day of this matter. Upon review of
.16 complaints others filed in reference to this Commissioner. Several
.17 submitters also questioned the same areas of her physical and
.18 mental characteristics.

.19 In closing of this complaint I the defendant feel I was never
.20 given a chance to a fair judgment by Commissioner Newell. I feel
.21 she was prejudice against me for my age and profiled me as a
.22 young thug. She used my health issues against me and made false
.23 claims against my character. She called me names and laughed at
.24 me. With that I also felt threatened by her as she told me to shut up
.25 and showed no respect or class by ignoring my testimony. UH-

.26 HUH's are not verbal gestures you use when in court when your
.27 taking the court seriously. Commissioner Newell violated many of
.28 my Constitutional Rights by not allowing council I retained,
.29 evidence I wanted to use, denying me copies of exhibits against me
.30 and evidence collected was withheld from my viewing. She
.31 assumed the Plaintiff told absolute truth without any supported
.32 evidence. She determined I was dishonest in all I said, although I
.33 had evidence to support I was being honest.

.34 Please see attached pages and ask yourself, Is this how the
.35 courts should conduct their hearings and would you feel you
.36 received a Fair and/or Equally favored hearing if you were
.37 defendant in this matter. Upon listening to the tone and texture of
.38 the Commissioners voice was she fair, non-bias, was she
.39 professional. Did she act appropriately in her proceedings as a
.40 Commissioner? I don't want this to continue to other victims. This
.41 OP should never have been continued especially on her basis and
.42 findings.

.43 Thank you goes out to all the members in viewing of this
.44 complaint. I would like to thank the Members of the Bar
.45 Association for their time.

.46 God Bless, Good Day!

.73 1) Commissioner yelled at defendant and refused to
.74 allow him copies of evidence entered into the court
.75 hearing.

.76
.77 2) Commissioner rudely interrupted defendants
.78 testimony and didn't let finish.

.79
.80 3) Commissioner had mind made up before she heard
.81 defendant's testimony!

.82
.83 3) Commissioner lead questions towards the defendants
.84 witness.

.85
.86 4) Commissioner's questions were basically leading the
.87 witness into a one way answer.

.88
.89 5) Commissioner used term " So I'm assuming that he
.90 stayed at least 100ft away, RIGHT?"

.91
.92 6) Witness was yelled at for answering the
.93 commissioner any way but how the commissioner
.94 expected.

.95
.96 7) Commissioner imposed a punishment against the
.97 Witness.

.98
.99 8) Commissioner listened and based her opinion on
.00 claims against Mother of Children to punish defendant.

201
202 9) Commissioner claimed the defendant had a DUI with
203 minor children in the car. When Defendant responded
204 “NO” she replied “ are you calling him a liar” speaking of
205 plaintiff. Then wouldn’t allow defendant to correct the
206 courts

207
208 10) Commissioner accused defendant of possession of
209 drug charges and called him a “LIAR” when he replied no.
210 Defendant has never been convicted of Possession of
211 drugs.

212
213 11) Commissioner made accusations to both witness and
214 defendant that an act of domestic violence had occurred
215 although no act existed.

216
217 12) Commissioner’s accusations of witness contacting
218 the father via text message (telling him to stay away from
219 witnesses home) as an act of domestic violence on the
220 defendants part.

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222
223 13) Commissioner made unjust and non-requested
224 modifications to OP that over-stepped another Judges
225 orders in Superior court.
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14) Commissioner gave advice to the Plaintiff after court was dismissed while the defendant had already left the court room.

Attached is a copy of video and audio from the hearing.

1. Excuses my lawyer senselessly (08:42:59)
2. Plaintiff uses accusations the witness did to violate my OOP. (08:47:00 – 08:49:15)
3. Defendant asks for copies of plaintiff's evidence and is denied. (08:55:30 – 08:56:20)
3. Commissioner asks for name and address of kid's school. She also begins typing new order without hearing defendant's testimony. (09:01:38 – 09:03:00)
4. Commissioner whispers to Clerk "Do you have that address?" (09:02:48)
5. Commissioner ask defendant to take exhibits (09:02:36)
6. Commissioner yells at defendant while going through the exhibits (09:06:20 – 09:06:50)
7. Defendant asks to use exhibits while defending accusations made in them by plaintiff. The commissioner yells, "No, they'll be available later" (09:07:13)
8. Commissioner interrupts defendant to defend plaintiff's testimony. Thus showing favoritism to plaintiff. (09:09:00)
9. "MMHHMMM" gesture of sarcastic disbelief. (09:09:14)
10. Commissioner "MMHHHMM" (09:09:19)

11. Commissioner “ You mean your not going to text him from your cell phone” Showing favoritism to plaintiff with interruption of my testimony. (09:10:44)

12. Commissioner “MMHHHMM” again doubting my testimony. (09:11:30)

13. Commissioner cuts defendant off in middle of sentence to let plaintiff testify more once again clarifying his story to her. (09:12:20)

14. Commissioner begins asking witness a series of LEADING QUESTIONS. Commissioner defends plaintiff again and continually interrupts the witness not allowing her to answer. (09:15:00 -)

15. Commissioner “ YEAH” sarcastic gesture towards the witness. Calls witness a liar. (09:17:11)

16. Commissioner calls witness a liar “MMHHHMM”
Com: “And you’re saying that Mr. Gambill goes somewhere else the entire week?”
Wit: “Yes”
Com: “I find that hard to believe”
Once again defending the Plaintiff (09:18:10 – 09:19:40)

17. Commissioner interrupts the witness not allowing her to answer questions. (09:17:52)

18. Commissioner brings up a report against the witness, which does not violate or pertain to defendants case.

Commissioner does this several times. (09:19:40 – 09:20:24)

19. Commissioner accuses defendant of charges made by plaintiff to the witness in a leading manner. Trying to get witness to answer in the Commissioners favor. (09:20:24)

20. Commissioner does not allow witness to answer question. Interrupts witness and ask more leading questions showing favoritism to plaintiff. (09:20:45)

21. Commissioner responds sarcastically to answer from witness with “MMHHHMM” (09:21:06)

22. Com: “And you wouldn’t deny that he held you down and kicked you?” Once again asking leading questions in support of the Plaintiff. (09:21:14)

22. Com: “You don’t want him to get in trouble do you? I mean he’s your boyfriend!” Once again asking/stating leading questions/statements to witness in favor of plaintiff. (09:21:23)

23. Com: “MMHHHMM” responding to answer from witness. (09:21:35)

24. Commissioner brings up witness texting the plaintiff. Not a violation of OOP (09:23:30)

25. Commissioner brings up defendants medical issues that have nothing to do with OOP period. Also Commissioner has no medical knowledge to make any judgment on.

Commissioner shows no interest in what witness says.
(09:24:30 – 09:24:50)

26. Com: “And that’s what you think caused him to throw items around on October 21st “ Once again accusing plaintiff of accusations with no found basis. (09:24:50)

27. Com: “MMHHHMM” while witness tries to answer Commissioners leading question. (09:25:45)

28. Commissioner does not allow plaintiff to requestion witness. (09:25:55)

29. Commissioner belittles the defendant for being unemployed. Nothing to do with the case. (09:26:20)

30. Commissioner accuses defendant of a DUI with minor children in car.

Def : “No”

Com: “Really how come report says so?”

Commissioner argues with defendant. For the record defendant has never had a DUI. (09:26:55 – 09:27:22)

31. Commissioner yells at the defendant for clarifying the answer of DUI claim. (09:27:22)

32. Commissioner uses report against the mother as basis or partial basis for renewing the OOP.

Com: “Court finds this disturbing” (09:28:24)

33. Com: “ Court has exhibit that Ms. Hamill was texting plaintiff to stay away from her home” 1st off there is no OOP between mother and plaintiff 2nd off why can't mother tell plaintiff to stay away from her home.
(09:28:56)

34. Without request by either party Commissioner modifies the OOP and includes punishment to the Witness and her visitation rights to minor children. (09:29:15)

35. Com: “MMHHHMM” response to defendant clarifying commissioners question to him owning a gun.
(09:30:45)

36. Def: “Is it to late for me to ask a question?”
Com: “You can ask” (09:31:16)

37. Commissioner interrupts defendant to bring up accusations made falsely by the plaintiff accusing defendant of a possession of drugs conviction. THIS IS A LIE. (09:32:32)

38. Commissioner changes her question before defendant can correct the courts. The commissioner does not allow defendant to answer question calling him a liar. She begins shouting over defendant and says his words have no credibility in the courtroom. (09:32:30 – 09:33:28)

39. Com: “Oh-OH-Okay Whatever”
Com: “Okay Yea, UH-HUH” (09:33:50)

40. Commissioner states the defendant's credibility isn't worth anything in her courtroom. (09:34:14)

41. Com: "The court finds an act of domestic violence occurred" No accusations of domestic violence were even claimed. Uses text messages from witness to plaintiff as findings to continue the OOP. (09:35:00)

42. Commissioner can't give a reason for violation.
Com: " Harassment, or trespassing or something" Or something... Is this really legal basis to use against me?
(09:35:35)

43. Plaintiff ask to question commissioner after hearing. She states no but once the defendant left court room the commissioner discussed other ways the plaintiff should go about taking custody away from witness. (09:37:05)

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September 11, 2013

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Re: Commissioner Julie Newell
Case no. 13-211

Dear Members of The Commission on Judicial Conduct:

I was asked by my friend, Commissioner Julie Newell, to respond to the above-referenced complaint on her behalf.

By way of background, Commissioner Newell was first assigned to her family court calendar in June 2011. By that point, she had been a judicial officer for over 7 years. In the seventeen months prior to the *Hamill v. Gambill* proceeding in September 2012, Commissioner Newell had handled approximately 350-400 orders of protection hearings without complaint about her conduct. Overwhelmingly, the litigants in such proceedings are pro se, which means that Commissioner Newell has to work that much harder to discern the litigants' factual position, both in terms of keeping lay persons focused and helping them to articulate their story. She does this, in part, by asking questions that seek "yes" or "no" responses. She also necessarily has to deal with the litigants' lack of familiarity with the rules of evidence, including in particular the rules requiring relevance and prohibiting hearsay and hearsay upon hearsay. It also means that she has to deal with the sorts of misbehavior in which lay people unfamiliar with courtroom decorum will sometimes engage.

Orders of protection hearings are especially challenging for a judicial officer. The nature of the proceedings is such that family members are accusing one another of domestic violence. Some times the accusations are leveled for improper purposes. The defendant always denies wrongdoing.

In addition her regular family court calendar duties, on Wednesdays (the day of the week this particular hearing occurred), Commissioner Newell handles so-called IV-D hearings. The IV-D designation refers to a provision under the Social Security Act, and it means as a practical matter that the State is appearing in the child support proceeding. The presence of a third lawyer tends to expand the proceeding somewhat, but the sheer number of those cases, and the fact that they are supposed to be heard in the morning add to the crush of her Wednesday calendar. It is telling that when calling the *Hamill v. Gambill* case on the FTR recording, Commissioner Newell noted it was the fourth case on the calendar – and it began at 8:42 a.m. Exacerbating the time pressures, on Wednesdays Commissioner Newell handles the so-called “walk-ins,” that is, she hears the *ex parte* applications for orders of protection. Indeed, at the end of the FTR recording in *Hamill*, Commissioner Newell is heard calling a walk-in case.

This is a long way of saying that Commissioner Newell is tasked with hearing contentious cases litigated by lay people unfamiliar with the legal system while at the same time trying to move cases along. To get all of this done, Commissioner Newell has to run a tight ship. That means she is sometimes direct to the point of being blunt, and has to raise her voice from time-to-time to maintain control.

Now let me address the specifics. The November 21, 2012, hearing dealt with the application of Plaintiff Bradford Hamill to renew an order of protection that he had obtained on his behalf and his children’s behalf against, the complainant, Mr. Gambill. Mr. Gambill is the boyfriend of the mother of Mr. Hamill’s children. At the hearing before Commissioner Newell, the issues were whether Mr. Gambill had violated the prior, October 2011 order of protection and/or had engaged in other conduct warranting the extension of the order.

The FTR recording of the proceedings is available and speaks for itself. I will not belabor here what the video already shows. Importantly, the FTR recording belies most of what Mr. Gambill charges, but I do have a few additional observations. First, Mr. Gambill accuses Commissioner Newell of being biased. His claim appears to confuse the difference between impartiality and acting as fact finder. As fact finder, Commissioner Newell was not only allowed to have opinions about parties’ and witnesses’ credibility, but she is supposed to have them. That she did not believe Mr. Gambill’s version does not mean she was biased. The FTR recording shows that she asked pointed questions of the Plaintiff as well. She did so, not because she was “very interested in the [P]laintiff’s testimony” as Mr. Gambill charges, but to get to the bottom of the dispute. When asking questions of a witness whose testimony appears dubious, she will sometimes express skepticism. This tactic has the effect (sometimes) of causing a layperson witness to either back away from a version of events or to change their story altogether, both of which underscore the correctness of Commissioner Newell’s instincts.

The Commission should also keep in mind that the *Hamill* case went to hearing on an application to extend an expiring order of protection. This means that the record Commissioner Newell had before her documented that Mr. Gambill had come to court before and denied engaging in domestic violence, but that a prior judicial officer did not believe him. His continued denials during the November 21, 2012, hearing of the factual basis underlying the October 2011 order of protection, coupled with the CPS reports of violence in the home raised legitimate questions about Mr. Gambill's credibility. It is telling that near the end of the proceeding, Mr. Gambill, who insisted that the children were not afraid of him, admits that the CPS report received into evidence without objection, documents that the children did indeed at one time accuse Mr. Gambill of violence. The children's mother's facially questionable claim that Mr. Gambill, her live-in boyfriend of 3 years, completely vacated his residence for two weeks of every month, and had done so without fail for a year, raised legitimate questions whether she was in fact testifying in a way to protect her boyfriend, but that inference was made stronger still in Commissioner Newell's mind when Ms. Hamill changed her position in response to questions from her boyfriend (Mr. Gambill) on the point.

Mr. Gambill claims Commissioner Newell deprived him of counsel. The FTR recording shows that Mr. Gambill arrived with counsel who had not yet filed a notice of appearance. At the time of the hearing, Maricopa County Local Rule 6.2(b) required a lawyer to file a notice of appearance before he/she could appear on a client's behalf. The lawyer told Commissioner Newell that he was going to file a notice of appearance with the courtroom clerk, but the courtroom clerk can be heard to say on the FTR recording that she could not take the form. Commissioner Newell did not ask the lawyer to leave the courtroom, as Mr. Gambill claims. On the contrary, the lawyer remained in the back of the courtroom through the whole proceeding.

Mr. Gambill was not refused a copy of Mr. Hamill's exhibits. Mr. Hamill did not have copies for Mr. Gambill. The FTR recording shows that Mr. Gambill was permitted to review the exhibits for several minutes before they were received in evidence.

Regarding Mr. Gambill's claim Commissioner Newell treated his girlfriend, Ms. Hamill, inappropriately, Commissioner Newell did raise her voice to Ms. Hamill at one point, but the FTR recording shows it was because the witness kept trying to speak over the Commissioner. Commissioner Newell did not call Ms. Hamill a "liar," "unfit mother" or say that Ms. Hamill "was just trying to protect" Mr. Gambill. Commissioner Newell did express the observation that she was "having a hard time believing" some of Ms. Hamill's testimony, a reasonable, polite expression of her view as fact finder. The order of protection does prohibit Ms. Hamill from having visitation with the minor children "[a]s long as the defendant is residing with the mother," but when Mr. Gambill is out of the house he is not "residing" there. Moreover, the order goes on to note that it is without prejudice as to "any future family court orders."

Most of Mr. Gambill's complaint focuses on the evidence that he claims should have led to a different conclusion. Of course, that is not the basis for a judicial complaint; that should have been raised on a direct appeal, which Mr. Gambill did not pursue. Suffice it to say there was more than sufficient evidence to support Commissioner Newell's findings.

Hon. Louis Frank Dominguez, Chair, et al.
September 11, 2013
Page 4

The Commission should close this file without further action.

Very truly yours,

BROENING, OBERG, WOODS
~~BY~~ BRIAN HOIONAN /

Brian Hoionan
Of Counsel

BH/
cc client