

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-289

Judge:	No. 1103514797A
Complainant:	No. 1103514797B

ORDER

The complainant alleged a superior court commissioner engaged in improper ex parte communications.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: February 3, 2014.

FOR THE COMMISSION

/s/George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on February 3, 2014.

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

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

2013-289

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

_____ hereafter referred to as "Petitioner", _____, hereafter referred to as "Respondent"

On _____ Petitioner was informed by Respondent of an ex parte communication between "her and the Judge." After Petitioner advised Respondent that ex parte communication is not legal she stated "I don't care and your Motion for Summary Judgment was denied, and your going to be held in contempt of court because I told the Judge you hacked my new e-mail account." Petitioner advised Respondent that no such action by Petitioner had taken place. Petitioner expressly denies hacking the e-mail account given to him in open court on _____ by Respondent. The alleged hacking comes conveniently at a time Respondent was failing multiple drug tests, random drug testing was ordered for Respondent on _____ by Judge _____ for _____ See attached.

Petitioner and Respondent were ordered by the Judge on _____ that they could communicate strictly about the _____ via e-mail and phone calls. Petitioner's attempts to communicate about the _____ began almost immediately after court via e-mail, as no phone number for Respondent was given, with a response e-mail from the Respondent before the Petitioner arrived home that day. Respondent claimed that her e-mail was hacked some time from the end of court around _____ and _____ to which Petitioner was at _____ Court down town at _____ Court for another _____ of his, and picked up his other _____ at approximately _____ at his mothers house off _____ and _____. The Response time is noted at _____ in the attached e-mails and documentation showing the same.

The Order for the Motion for Summary Judgment was signed and denied by the Judge on _____ conveniently the same day the Respondent said she conversed with the Judge. At a minimum it seems that indeed some ex parte communication transpired either between the Respondent and the Judge, or the Respondent and the Judge's Staff. As the Respondent knew of the denial days before it was filed with the courts. Petitioner received a copy of the signed denial on _____ See attached copy.

CONFIDENTIAL

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FOR OFFICE USE ONLY

2013-289

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If the Petitioner is understanding the denial order correctly, it seems highly suspicious that the denial comes after the Judge requested Petitioner to re-submit the Motion for Summary Judgement, the Order, and attach a "Notice for Hearing". At this point no Hearing was set, the Order was removed from the Motion for Summary Judgement Packet and the Judge issued a denial, and has been accused by Respondent of ex parte communication in regards to the same.

The Motion for Summary Judgment is based on the areas of the original Petition that the Respondent admitted to in open court, protects the _____ in this case, and in accordance with Arizona Revised Statutes is justified.

At this point Petitioner has concerns that indeed an injustice has been committed and possibly more than once. If the facts show the ex parte communication, then it seems suspicious that the Motion for Summary Judgment was denied because of that communication. When in fact a hearing should have been set in regards to granting the order based on already admitted and testified allegations in this case. Petitioner also has concerns to this case being biased, now and in the past, due to the ex parte communication and also now for the reporting of those possible illegal and inappropriate actions.