

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-342

Judge:	No. 1079714837A
Complainant:	No. 1079714837B

ORDER

The complainant alleged that a superior court commissioner has discriminated against a defendant based on his socioeconomic status, disability, and doctor's orders. She also alleged the commissioner denied the defendant a fair opportunity to be heard.

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. The commission does not have jurisdiction to review the legal sufficiency of the court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: February 19, 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 19, 2014.

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

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
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FOR OFFICE USE ONLY

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COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: _____

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.

Please see attached statement.

(Attach additional sheets as needed)

I am a paralegal and have never seen such blatant disregard for a defendant by a judge/commissioner in a court room as I have with Commissioner

I respectfully submit to this Commission that Under Rule 2.3(b) of the ARIZONA CODE OF JUDICIAL CONDUCT it states that "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so." I believe that the conduct of _____ toward

_____ has violated this Rule as she has shown blatant disregard for _____ socioeconomic status, disability, and doctors' orders during the proceedings held before her.

Under Rule 2.6(A) it states "A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law." Again I believe that the conduct of _____ has violated this Rule because she has not let him present pertinent evidence about his ongoing condition (his mental health record), has disregarded his doctor's information stating he cannot work, and has refused to let a witness for him be heard.

Further, I would submit that she has additionally violated his rights under the ADA Sec. 12102(1) (A) & (C) and (3)(A) in that she has totally disregarded his known mental disability even though _____ has advised her he cannot work around people. She has stated that he has "willfully" failed to pay child support when he has the ability to do so yet any job he could do would require him to work around and interact with people.

has appeared at two separate hearings, one on _____ and the other on _____ before _____ and at both she has shown blatant disregard for his rights and his socioeconomic status.

At the first hearing held on _____ she refused to recognize the durable power of attorney _____ has given me, refused to let me say anything on his behalf and wouldn't even let me state that I am a paralegal. She then totally disregarded most of what _____ said including the fact that he has applied for disability benefits. Although she did ask for the date he filed after he told her he couldn't remember I looked it up so she could have the date but instead she said it didn't matter anymore and she would not let him fully answer questions or present his information and totally disregarded the information he did provide stating that she found no reason that he couldn't work even though he had told her that he has a disability which prevents him from working with people. Instead she found him in contempt for "willingly" not complying with his child support. She then ordered him to find a job any way and be gainfully employed by his next hearing.

At the hearing held _____ she again ignored what _____ told her and refused to admit evidence that shows his mental condition stating that she wouldn't even consider evidence dated _____ because it told her nothing about his current condition. I submit that a mental condition is ongoing and simply doesn't resolve with time. She also had a note from his doctor stating he cannot work which she showed disregard for because the doctor had written it on a prescription pad and not stationary. She then proceeded to ask him about his job log which he hadn't brought because of the doctors note. She also stated that his doctor's note didn't explained why he didn't pay support for prior months and asked him why he hadn't paid.

She has disregarded any information he presented about filing for his disability, his doctors note stating he can't work and that further testing is needed, and his upcoming appointment and when he told her he wasn't employed, she then found him in contempt of court again and remanded him into custody going through his requirements for his bail and what she was setting up so fast that I didn't have a chance to hear most of what she said then moved on to the next case.

After viewing the minute entry on the website today, _____, I found that she has ordered him held until he can pay a purge of _____. By ordering that "Respondent may purge himself of contempt and shall not be released until the purge payment of \$ _____ (CASH ONLY) is paid" she has effectively denied him his medical care from his doctor; his next appointment is _____, denied him his right to pursue his disability claim; they will now close his case, and his getting insurance to pay for his doctor visits; once the state knows he is in jail he will be denied insurance.

On the basis listed above I believe that Commissioner _____ has committed offenses of judicial misconduct and should be sanctioned as appropriate.