

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-029

Judge:	No. 1052814868A
Complainant:	No. 1052814868B

ORDER

The complainant alleged that a superior court commissioner was rude and unprofessional.

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: May 14, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on May 14, 2014.

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
Arizona 85007

FOR OFFICE USE ONLY

2014 028

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.

SUMMARY:

As a Lieutenant with the City of _____ Police Department and a Police Officer for _____ years, I have testified in numerous County and Federal courts, Grand Juries, civil hearings and City Courts. On _____ and _____ at 3:00 p. I unfortunately was subject to the the anger, disregard, and disrespect of Commissioner _____ In summary, Ms. _____ demonstrated very unprofessional and rude behavior.

I have no issue with Ms. _____ ruling, it is the demeaning and disrespectful way in which Ms. _____ addressed myself in court that concerns me.

On _____, I appeared in Superior Court, _____ and appeared before Commissioner _____ to address my former spouse claiming our children for her _____ taxes, a violation of the current court order.

I have waited over two years to get this matter resolved. I had spent considerable time preparing for my court date, and had created a spreadsheet showing that per my employment records from the City of _____ I had overpaid my former spouse.

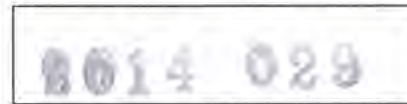
I was sworn in by a very kind and professional court clerk prior to the entry of Ms. _____ It immediately appeared to me based on Ms. _____ tone and demeanor toward me, she did not want to be to be here in court. Please refer to the court recording of the proceedings. I had tried to present my employer records of child support paid since 1998, from the City of _____ and a spreadsheet I had created to Ms. _____ Ms. _____ examined these records, and stated several times, "I do not understand this." I again tried to explain the documents. I do not believe Ms. _____ even attempted to examine the documents. Please refer to the electronic recording for further details.

Ms. _____ continued the hearing and it was re-set it for _____ at _____ p

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CONTINUED FROM PAGE 2:

at my request. I then called the _____ County _____ Court Clearing House in an attempt to reconcile a reported child support shortage from _____. I could not get an employee to answer or return my call until after my second court date.

Again I was in contact with the City of _____ and recovered a detailed statement of all the child support paid since _____ to _____ which totaled _____

Per my employer, the City of _____ had complied with all the court orders and there was no shortage of monies owed.

Again I called the _____ county Clearing House and could not get anyone to answer my call before my court date to resolve this matter prior to my _____ court date.

With no other alternative, I visited the court house and on _____ and paid the court _____ broken down as follows: _____ for a "shortage" from _____ and _____ in interest.

On _____ I again appeared in Ms. _____ court. After being sworn in by a kind and professional clerk, the hearing began. After being talked to in a demeaning tone, (Please refer to the electronic recording) I asked Ms. _____ if I could approach the bench and present her with two documents, (my payroll records and a receipt for cash I had paid to the court mentioned above) which I had for her to review. Ms. _____ never acknowledged my request, nor did she allow me to present the documents for her to review. Ms. _____ mumbled something under her breath and began punching numbers into a computer and said something to the effect, "He is current." (I am assuming on child support?) Please refer to the digital court recording. Ms. _____ then stated something to the effect, you have not done anything to prove to the court you are not in arrears. Ms. _____ then ruled that my former spouse could claim the children as deductions for calendar year _____. Ms. _____ then immediately ended the hearing prematurely.

I was in disbelief. This court case was concerned with the tax deduction from year _____

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NARRATIVE CONTINUED FROM PAGE 3:

The taxes were not an issue in this case. In fact, I could not recall in court who had claimed the children in my spouse or myself.

I then asked Ms. if she would rule on the taxes for , which again was the reason we were in court.

Ms. rolled her eyes and with an agitated voice tone stated, "We are off the record." I waited for several uneasy moments. Ms. then stated something under her breath I could not hear and went "back on the record." She then made the ruling.

Ms. then got up from the bench and with a look of disgust left the courtroom.

Again, I have no issue with Ms. ruling(s) on this case. I pride myself on working with people and in my career; every day is about helping people. I am bringing Ms. rude conduct to your attention. It is embarrassing that I had to ask her to do her job. I also bring to your attention the fact that Ms. cannot or chooses not to know the particular details of a case before making a ruling. Again, the court recording demonstrates this very clearly.

In my industry, I would certainly be held accountable if I addressed the public in such a rude and condescending manner.

I would like to thank the State of Arizona Commission on Judicial Conduct for reviewing the facts surrounding my complaint.

Respectfully,