

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-135

Judge:

Complainant:

ORDER

The complainant alleged that two superior court commissioners mishandled an injunction against harassment.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioners 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 commissioners did not violate the Code in this case. Also, the commission does not have jurisdiction to review the legal sufficiency of their rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: July 9, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioners on July 9, 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
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2014 - 135

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.

On _____ Judge _____ granted an injunction against harassment for the Plaintiff, _____ against the defendant, _____
The iniunction listed mv _____ as a

protected location.

On _____ at approx _____, just prior to leaving for _____ my _____ was served the injunction. As a result of the injunction, _____ was not

allowed to attend his _____ for nearly a week prior to the _____
Immediately, we went to the court that issued the iniunction and requested a hearing.

The earliest date available for a hearing was on _____ at _____ a.m. We were told by court staff that they did not do emergency hearings on such matters even if an iniunction enjoined a _____ from attending their own

On _____ we requested an injunction against harassment against the Plaintiff, _____ before Judge _____ He did not

understand why Judge _____ approved my _____ as a protected location, and said he would not have approved it. We explained to Judge _____ that the plaintiff, _____ and her family were on vacation out-of-state, and that there was no

possibility of contact at the _____ We also explained that _____ had used this

court's power in aranting injunctions to harass us and _____ We explained further that _____ officials and the police already investigated the underlying allegations

and found no basis in fact. Judge _____ argued that just because _____ officials and the police investigate something doesn't mean it is the truth He seemed to imply that

there is no truth in the world outside his court room. Regardless, Judge _____ would not remove the _____ as a protected location pending the hearing on _____ He also

denied our request for an iniunction against _____

On _____ we had a hearing before Judge _____ He quashed the iniunction, finding that the Plaintiff failed to demonstrate by a

preponderance of the evidence that the Defendant committed acts of harassment. Judge _____ also commented that he did not understand why a judge would enjoin a

_____ from attending their _____ and he would not have approved the _____ as a protected location.

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With the injunction quashed. mv _____ was finally allowed to attend the last few prior to _____

My complaint on Judge _____ is that he was rude, condescending and insulting to my wife and I. He also used sarcasm to make his points instead of just being straightforward in his comments. We expected to be treated with a little more dignity and respect in an Arizona court, and were disappointed that he took a disrespectful approach toward us and our concerns. Additionally, he ultimately refused to correct an apparent error by Judge _____ listing a _____ (a protected location), which he admitted was unusual, and allowed the injunction to unnecessarily remain in place for four additional days.

Judge _____ also commented on the unfairness of life, and if the plaintiff wished to continue doing injunctions against _____ that hopefully, someday, if the judge she appeared before had knowledge of her previous injunctions then that judge may not grant additional injunctions at that time. He also said that we could sue the plaintiff, but until then, it was just unfair, and nothing could be done.

Finally, it is unethical that Judge _____ would allow his court to be used vindictively and maliciously by _____ in unnecessarily enjoining _____ from attending _____ and seriously disrupting the lives of _____ and my family.

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On _____ Judge _____ granted an injunction against harassment for the Plaintiff, _____ against the defendant, who is _____ The injunction listed _____, as

a protected location.
On _____ at approx _____, just prior to leaving for _____ my _____ was served the injunction. As a result of the injunction. _____ was not allowed to attend _____ for nearly a week prior to the _____

Immediately, we went to the court that issued the injunction and requested a hearing. The earliest date available for a hearing was on _____ a.m. We were told by court staff that they did not do emergency hearings on such matters even if an iniunction _____ from attending _____

On _____ we requested an injunction against harassment against the Plaintiff, _____ before Judge _____ He did not understand why Judge _____ approved my _____ as a protected location, and said he would not have approved it. We explained to Judge _____ that the plaintiff, _____ and her family were on vacation out-of-state, and that there was no possibility of contact at _____ We also explained that _____ had used this court's power in granting injunctions to harass our _____ We explained further that school officials and the police already investigated the underlying allegations and found no basis in fact. Judge _____ argued that just beacuse school officials and the police investigate something doesnt mean it is the truth He seemed to imply that there is no truth in the world outside his court room. Regardless, Judge _____ would not remove the _____ as a protected location pending the hearing on Friday. He also denied our request for an iniunction against _____

_____ we had a hearing before Judge _____ He

quashed the injunction, finding that the Plaintiff failed to demonstrate by a preponderance of the evidence that the Defendant committed acts of harassment.

_____ also commented that he did not understand why a judge would enjoin a _____ from attending _____ and he would not have approved the school as a protected location.

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With the injunction quashed, _____ was finally allowed to attend the last few prior to _____

My complaint on Judge _____ is that she failed to exercise due diligence and did not follow what appears to be normal court processes for these types of cases. If she had asked pertinent questions, the judge would have found out that school officials and the police had looked into _____ allegations and found them to be untrue. She would have also found out that the _____ were going on vacation and would not be in _____ that week. Had Judge _____ exercised due diligence and followed normal court procedures, she would not have listed my _____ school as a protected location and _____ would not have unnecessarily missed a week of _____