

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-147

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace improperly added his wife as a plaintiff to a case after it had already been dismissed.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 judge did not violate the Code in this case. Also, the commission does not have jurisdiction to review the legal sufficiency of the judge's 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 judge 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

2014-147

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.

Mr. _____ was assigned the above referenced case after the previous judge recused himself due to a conflict of interest. The Order Against Harassment that precluded this series of events was simply a matter of _____ harassment toward _____ This was explained at the original hearing that Mr. _____ presided over on _____ Mr. _____ was swayed by the defense attorney to ignore my wife's assertion that she was in fear for her life and had to increase her sleep medication due to the continued and escalating incidents at our house. He quashed the protective order, ordered me to pay the attorney fees of the defendant, and closed the case. The defense attorney then filed a motion to amend the judgment to include my wife. This motion was filed on _____ far outside the "reasonable time" the law allows. I responded to this motion to advise Mr. _____ of this consideration, and he agreed that the time to amend the judgment had passed. A minute entry was issued to this effect on _____

The attorney for the defendant then filed a motion for reconsideration for amending the judgment on _____, to which Mr. _____ **IGNORING THE LAW** and the response to motion that I filed, allowed the addition of my wife as a plaintiff. Esteemed panel, my wife had never set eyes on the defendant until the day she had to testify at the hearing. She was NOT a plaintiff in this case and the addition of her name has caused undue stress and hardship. Mr. _____ may not be as versed in the law as a judge should be, but that is no excuse to let an attorney bully him into changing his decision. To ignore the law completely is beyond comprehension and deserving of investigation. It appears that these decisions were premeditated by the attorney and discussed out of judicial context with Mr. _____ We ask for a full inquiry in order for this blatant abuse of power to stop before it effects other people and the horrific injustice continues.

(Attach additional sheets as needed)