

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-283

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner improperly denied her request to extend a prior order of protection.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's ruling. In addition, 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: October 15, 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 October 15, 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

2014-283

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 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.

Hearing was _____ at _____ regarding a restraining order I obtained on my ex husband. It was to be a continuation of the restraining order that was issued on him _____ In my order, I stated that the defendant was showing up early at the exchange site to pick up our minor child and that he was sending text messages through the third party during my working hours even though he had been asked not to. The Judge dismissed my order because the order issued in _____ did not state that the defendant could not be at the exchange site early and there were no time restrictions on the text messaging. Is a victim supposed to know in advance all the tactics an abuser is going to come up with in the future before they apply for an order of protection? If the defendant is showing up _____ minutes early - knowing that I am there dropping off the child- is that not creating contact on a "no contact" order? The Judge said that the texting was O.K. because the contents of the texts were regarding the minor child. None of the texts that I read to the Judge were of any content that needed to be addressed while I was at work. I told the Judge that the defendant has been requested _____ times from _____ through the present to quit texting during work. During the _____ restraining order, our third party also requested him to quit texting during working hours, but he sent her _____ more after her request. This is not harassment? The Judge then looked up the restraining order from _____ and stated that neither the orders from _____ or _____ made sense to her and she couldn't believe either Judge ordered these. I asked her to read the bottom of the _____ order where I wrote "please see attached" and that the information she was seeking regarding the texts was on the attached paper. She stated that there was no attachment in the "agave system" and that I was probably lying like I did in my two petitions. Why would I ask a judge to "please see attached" if I didn't have something attached? Maybe she should have questioned how a court could have misplaced documents of domestic violence? What right does a Judge have to call me a liar - especially when she openly admitted she didn't understand what I wrote and knew information was missing. In closing the hearing, the Judge informed me that I really should think twice about requesting a restraining order, as they ruin lives. What a lovely statement for the defendant to hear. Within a day of the hearing, he is already playing the victim. Now I feel as abused by our legal system as I do by the defendant.

Attached please find: _____ restraining order with the missing two page attachment
_____ restraining order with documentation I had for Judge _____ that she would not look at

Defendants request for hearing