

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-338

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace made improper rulings in a protective order proceeding, violated her rights as a victim, and failed to disqualify himself.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 10, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2014.

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

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State of Arizona  
Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Arizona 85007

**FOR OFFICE USE ONLY**

**2014-338**

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: Judge

**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.

On \_\_\_\_\_ I went to the \_\_\_\_\_ Court to obtain an  
the \_\_\_\_\_ is Judge \_\_\_\_\_ who issued my  
On \_\_\_\_\_ the defendant was served that \_\_\_\_\_ by \_\_\_\_\_ Police  
Department, by Officer \_\_\_\_\_ at \_\_\_\_\_ hours. I then learned that the defendant within  
hours of being served went to the same court at approximately \_\_\_\_\_ and saw  
Judge \_\_\_\_\_ The defendant was able to obtain his order to include a  
residence that he does not reside at as a protected residence and an adult who  
was not involved and had no knowledge of the order was listed as a protected party.

On \_\_\_\_\_ due to the defendant violating his order on \_\_\_\_\_ I had to go  
back to the courts and ask for an amended order to include feet for the defendant to abide to.  
During this conversation Judge \_\_\_\_\_ questioned my intentions and made me  
feel like I was just there to waste his time and was reluctant to issue an ammended order  
even after I had explained what happened hours after the defendant was served and  
that the defendant was now in custody due to the violation. I also advised Judge  
\_\_\_\_\_ that the new order that he allowed the defendant to obtain also had  
protected residence and an adult who had no knowledge of the order being in place.  
The judge acknowledged and indicated that it can be discussed at the contestment  
hearing. The judge portrayed himself during these two interactions as very unprofessional  
and I felt as if he was attacking me. At one point during this interaction he hinted  
that due to my profession, I was using my knowledge of the system to try and manipulate  
it to my benefit. There was also mention that this appeared to be a family issue, which  
he is correct, and this issue has escalated to a serious domestic violence issue and this  
is why Arizona has laws and victim rights that are written to protect victims against victimization.

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I walked away from court that day feeling defeated all because I asked for an ammended order so I would be able to feel safe in case the defenant was released from custody.

On \_\_\_\_\_ the contestment hearing of my \_\_\_\_\_ and I had contested the validity of the defendants \_\_\_\_\_ Judge \_\_\_\_\_ was the assigend judge to hear this hearing. During this hearing I was given the opportunity to present why my \_\_\_\_\_ needed to stay in place and show why the defendants was an invalid attempt at manipulating the court. The judge agreed to uphold my order in place and the defendants was dismissed. However, during this hearing the judge seemed to be frustrated, especially at the defendant. He again made mention at the end, during his ruling, that this was a family issue.

After the orders were in place, the next steps began which lead to the trial. The following is a brief synopsis of what ocured from \_\_\_\_\_ to \_\_\_\_\_. The judge allowed the defense to reschedule \_\_\_\_\_ Hearings \_\_\_\_\_ times. The excuse was becasue the defense needed more time to review/gather evidence and possible consider the plea bargain that was given to the defendant. I finally reached out to the prosecutor and asked why there were so many delays in this process. The prosecutor then decided to ask to set this case for a trial date. The trial date was set anc \_\_\_\_\_ week prior to the trial being heard, the defense again was able to post-pone, which was allowed. Finally the trial was set again and occurred in \_\_\_\_\_. During the trial: my husband who is also a listed victim/witness/protected party, and was there to give testimony was asked to leave the court room. Also, thru out the trial. The judge would allow the defense to object and the judge would not make any immediately ruling. It appeared to be that the judge was inattentive and distracted during testimony due to his many delays when prosecutor or defense would object. During my testimony if I would begin to speak because, he failed to give a timely ruling, he would chastise and reprimand me for speaking.

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The judge has heard \_\_\_\_\_ testimony, was involved with the contestment hearing, where evidence and testimony was provided for the \_\_\_\_\_ to stay in place as well as the incident where the arrest took place for the defendant due to the defendant violating the original court order. The judge did allow portions of that to be heard and discussed during the \_\_\_\_\_ Hearing.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have reviewed Arizona Victim Rights and based on the judge's actions it appears the following have been violated:

- 1. To be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse, throughout the criminal justice process.
- and 10. To a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.

A complaint was also submitted to the Arizona \_\_\_\_\_ Office to review. I believe the judge and his court room would benefit from a reminder and a refresher to what victim rights are and how they should be implemented in a court room.

I have also reviewed the AZ Code of Judicial Conduct, I find that the judge may also be in violation of the code of conduct that has been set as a standard for those who are elected or chosen to be in a judicial office.

The following are the rules as stated in the code and an additional example, aside from what has already been stated.

Rule 1.2: Promoting Confidence in the Judiciary. The judge has showed a clear lack of confidence during his court sessions, which stems from not only his unprofessionalism in the court room but also his lack on inattention during testimony.

Rule 2.2: Impartiality and Fairness, comment 2, which states " Facial expressions and other body language may convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice."

The judge exhibited this behavior during the \_\_\_\_\_ hearing, the \_\_\_\_\_ Hearing, and during the trial.

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Rule 2.5: Competence, Diligence, and Cooperation, part (A) which states that a judge shall perform judicial and administrative duties competently, diligently, and promptly; Comment 1. Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office. Comment 4. In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without necessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

This was outlined in the beginning of my complaint.

In addition, once the defense asked that Rule 20 be granted, the judge granted it and indicated it was because the prosecution did not prove that defendant was on/near the protected residence. It appears the judge may not have a working legal knowledge of how to appropriately apply Rule 20 or a clear understanding of what on/near a protected place is. Also, during the trial proceedings, the defense wanted evidence entered under judicial review, which then became part of the legal defense, which again appeared to be a misinterpretation of the judges understanding of judicial review.

Rule 2.11 Disqualification, (6) The Judge: (d) previously presided as a judge over the matter in another court.  
Judge \_\_\_\_\_ was the presiding judge over both \_\_\_\_\_ hearings, the \_\_\_\_\_ hearing, and the trial.

The reason I am bringing this information to your attention is for concerns for any future victims that may have to encounter this court. This is just a snap shot of what has happened to me during the time from \_\_\_\_\_ to \_\_\_\_\_ and I hope that this is a one time isolated incident but it appears that this maybe the norm for Judge \_\_\_\_\_ court room. I would like the committee to consider sanctions, reprimands, or trainings that can be imposed based on the judicial court review.

I thank you for your time, consideration, and attention to this matter.