

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-368

Judge:

Complainant:

ORDER

The complainant alleged that a judge violated an order he previously granted to seal certain evidence by subsequently publicly disclosing a portion of that sealed evidence.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: February 2, 2015

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 February 2, 2015.

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

2014-368

STATE OF AZ Commission on Judicial Conduct
1501 West Washington Street Suite 229
Phoenix, Arizona 85007

Dear Sir or Madam,

I am submitting this letter and supporting documents as a formal complaint against the Honorable _____ for disclosing information about myself that was obtained through sealed testimony that was given on _____

On _____, my _____ represented by _____ was the subject of a _____ hearing pursuant to Supreme Court Rule _____ Ariz. R.Sup.Ct. On _____, the _____ signed and filed by _____ concluded that _____ was to be _____ effective thirty (30) days from the date of the _____ was later overturned by the Supreme Court of Arizona and a _____ was imposed).

On page _____, and _____ of the _____ in discussion of aggravating and mitigating factors, cited SPECIFIC, SEALED information/testimony related to (EXHIBIT A). In the footnote on page _____ cites, "This includes _____, loss of _____ income and the impact on _____."

In addition, Page _____ of the _____ States, "Nonetheless, _____ character witnesses testified that _____ experienced _____ issues after the _____ from approximately _____ until _____."

Furthermore, extremely detailed information regarding _____ testimony was cited in paragraph _____ of page _____ states," However, _____ testified that _____ beginning in _____

_____ to present and that
His _____ had _____ starting when _____

Paragraph _____ of page _____ goes on to state, "Further the time parameters of these concerns appear to have substantially occurred within an approximate time period of _____ between _____, well before any of the matters before us commenced."

The fact that Judge _____ disclosed the above information is very upsetting to me. First, and most importantly, all of the above was sealed information/testimony. On _____ before any testimony was given by _____ regarding _____ and by _____ character witnesses (all of whom gave _____ sealed that portion of the hearing/testimony. Not only did _____ request that the testimony be sealed, _____ seal a previously submitted _____ detailing _____ and the impact it had _____

. Within that also requested that Judge seal
that were submitted in support of The submitted by
in particular gave in depth details about with regards to
. Lines of page of the hearing transcript
(EXHIBIT B) clearly demonstrate that Judge to seal the
and the forthcoming testimony regarding This demonstrates that
took significant steps to ensure that was to be protected
from the public.

Judge , on page of the indicates that gave
very little weight to testimony and the testimony of
witnesses. Given this fact, I am confused as to why Judge would disclose in detail such
testimony. could have just as easily stated that gave little or no weight to the sealed
testimony presented by and his witnesses surrounding "
" or " " Instead, felt it was necessary to go into detail
about testimony regarding

I was not a proceedings. While clearly had a significant
impact on would not have allowed
to proceed with questioning (or certain lines of questioning regarding)
of and his witnesses had known that this information would be made public.
and had about this extensively prior to the wherein the
circumstances were to be disclosed and discussed by and
witnesses. assured that that and would take whatever steps necessary
to ensure that details about would be protected from the public.

Per request, was extremely conscious and vigilant regarding
the level of sensitivity of information/testimony surrounding . For
example, at one point, after the Hearing, a letter
to contained information about that deemed to
be sealed and inappropriate for to cite in a that could ultimately be part of the
public file. After went up the chain of command at the portion of
the that asserted to be sealed was ultimately redacted (See EXHIBIT C wherein
a portion of the has been redacted. This with the redaction is
what is now in the public file at). However, it took several and from
to for this to finally happen.

I am telling you the above so that you understand how important it was to me that my
was sealed from the public. Again, I was not
. It is simply not fair to me that for whatever reason decided to allow
this sealed information to become public by citing specific information surrounding
Of course, this was posted
by the Court

I was not aware that the submitted by
contained private and sealed information until I personally went to
on or about , to research an unrelated matter (unrelated to this
complaint). During the course of my research, I came across

against
demonstrate to _____ page _____ that _____ had been _____ during the time in question related to _____ to
(EXHIBIT D). I was very surprised when I read details surrounding _____ Details
that I thought were sealed. Approximately _____ after discovering this, I met with _____
_____ . I specifically asked _____ why _____ had this information in their public
file. _____ explained to me that the _____ simply copied a portion of an already public
document _____ as part of _____ . _____ went on to
explain that the _____ was a public document and _____ has no authority to redact
any of the contents of the _____ that was attached as part of a _____ against :

In the meantime, I had researched
wherein to my absolute horror, I discovered that the entire
was _____ Testimony about

Since recently discovering that very personal and private information regarding
has been _____ is
available _____ , I have been devastated. I have experienced
_____ I worry that other sealed documents such
as _____ describing in great detail
_____ and the impact these problems had
_____ will also become public. I have absolutely no reason at this point to believe that Judge
is committed to protecting my privacy.

Please note that I have a _____ , have a _____ and
also have a _____ . While I am currently _____
_____ , it is my intention to become _____ , hopefully within the
next _____ . As one can imagine, all my _____ with regards to _____ may
require _____ . While I have my _____ (requiring an extensive
_____), one can easily obtain information about _____ simply by
reading _____ via _____ or,
more likely, via _____ Typically, as part of the _____ , I would not be required
to _____ . However, again, one could easily obtain information about

I have a _____ . It will not be long before _____ At some
point _____ will undoubtedly _____ While it is _____ responsibility to
explain any questions _____ about _____ , it is also my responsibility to explain what
_____ . Just based on _____ alone, I will have to explain to my
one day why I _____
_____ . I will need to explain why _____ on the
_____ . I will basically have to explain _____ why I could _____ for at
least the first few _____ , even though I did not _____ that time.

_____ , in part due to _____ incredible efforts and my amazing
(including _____ who was _____), while I was

of _____, appears to be unaffected by

While _____

_____. Despite all this, due to Judge _____ carelessness and/or or complete disregard for my privacy I will have to explain things that I would not have to if not for Judge _____.

Sealed testimony surrounding _____ should have been treated with absolute care. All sealed testimony, whether it is regarding one's _____, etc., should at the very least, be protected by the Courts. If sealed information is leaked/disclosed so easily and carelessly, whether it is testimony obtained in a custody case, criminal matter, or even in a highly sensitive civil case, then witnesses will lose their faith and confidence in the Courts to protect them and will be reluctant to testify.

Sadly, as a result of Judge _____ actions in this particular matter, other _____ facing _____ may be hesitant to disclose mitigating factors that have significantly affected their judgment or ability to _____ may face an unexpected crisis in his or her life _____ that is of personal and delicate nature. _____ and their witnesses should not have to be concerned that their embarrassing or potentially damaging testimony, once sealed, may be disclosed by the Courts. _____ hearings, in order to provide the _____, should also be able to trust that their _____ sealed testimony will actually remain sealed. If not, the entire fairness of _____ hearings will be compromised.

In summary, I feel that Judge _____ was at a minimum, reckless and proceeded with total disregard for my privacy when _____

_____. As I previously explained, his actions may lead to immeasurable consequences for me in the future. In addition, _____ and witnesses need to have confidence in the Courts (especially _____) to protect sealed information from the public. Judge _____ has demonstrated that "sealed" does not necessarily mean sealed.

I am respectfully requesting that the Commission on Judicial Conduct give serious consideration to my complaint and that Judge _____ face disciplinary action for essentially unsealing sealed information about _____

Thank You.

***Also, please be advised that on or about _____, on my behalf, submitted a request for a Protective Order to Judge _____ so that _____ could take out or redact documents in the public file(s) containing information about _____. The Request for the Protective Order also Requested that Judge _____ redact information about _____ wherein there is an e-mail exchange between _____ regarding the Protective Order). It is my understanding that Protective Orders are typically given a fairly high priority. It is also my understanding that to this day Judge _____ has not ruled on the Protective Order, further demonstrating _____ lack of interest in protecting my privacy.