

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-037

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge prejudged his case, failed to remain fair and impartial, and was biased in favor of other litigants.

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: March 23, 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 March 23, 2015.

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

2015-037

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.

At an evidentiary hearing on _____, Attorney _____ requested that I be made to post a bond for requesting a jury trial. He wanted a bench trial as he _____ with the judge. The Judge denied bond but stated on the record that she intended award attorneys' fees to the prevailing party and charge a _____ jury fee to the losing party.

Inasmuch as the only attorney in this case if _____ it is clear that this Judge has already decided that his client will prevail. No trial has been held and the Judge has already determined the winner.

This is unconscienable. By making this statement, Judge _____ has failed to perform the duties of _____ office fairly and impartially as required by the Code of Judicial Conduct, Canon 2, Rule 2.

By making this statement, Judge _____ has by _____ words and conduct manifested bias or prejudice in favor of the _____ in violation of the Code of Judicial Conduct, Canon 2, Rule 2.3.

I have cause to believe and do believe that on account of the bias, prejudice or interest of Judge _____ I cannot obtain a fair and impartial trial in this matter.

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Further, _____ testified at this hearing, and Judge _____ was coaching _____ and essentially guiding _____ by asking _____ if he wanted to ask certain questions. The judge was almost acting as _____ attorney in the way _____ was eliciting information and steering _____ testimony. The Judge did not do this for anyone else.

While I understand that it is not a violation for the judge to make reasonable accomodations to ensure self-represented litigants the opportunity to have their matters fairly heard, I don't think it's fair for the judge to openly assist one self-represented litigant against another.