

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-054

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner made improper rulings in a conservatorship matter.

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 commissioner's rulings. 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: March 4, 2015

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 March 4, 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

2015-054

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.

I arrived with a witness who was available for testimony well in advance of appointed court time for an emergency hearing on a conservatorship. I spoke with the clerk who had assisted me the day before in the hallway upon our arrival to let her know we were there. She said _____ was running late and to have a seat and wait. Due to _____ running behind schedule there was no seating in the hall next to the courtroom. We sat in the hallway, in plain view of the courtroom, only a few yards away. After more than an _____ of our scheduled hearing I noticed several people leaving the courthouse. I went to _____ I contacted the clerk using the courtesy phone and was told that my case was dismissed due to the fact that the petitioner was a "no show". I explained that I was the petitioner and indeed I had been in the hallway for well over an _____. The clerk said the the defendants lawyer came out and called for us but could not find us. So everyone left for the day. We were the last hearing of the day. The clerk put us on hold for an extended period while she made arrangements to call everyone back. We enter the courtroom and Mr. _____ is on the phone and _____ is clearly out of sorts for the late arrangement. She asked if I had a health professionals report. I told her that I did not and that under the circumstances that evidence was not even attainable. Based on that alone _____ immediately ruled that a continuance was in order. She accepted that the charge (my wife) was in _____ but that was not sufficient to hear or even entertain any further evidence or testimony. I had statements from my _____ retirement and _____ and testimony from my wife's best friend that she was extremely manic and prior to her entering _____ had spent over _____ of our combined monies. She has also executed a Power of Attorney while she is in _____ giving complete authority over all of our assets to an unmarried couple of suspicious character. _____ was aware and acknowledged the POA existed but said that was a matter for _____ so our _____ hearing was adjourned. I have two questions: What judge allows a defendants lawyer to determine if the plaintiff is present when there are clerks and bailiffs available for the purpose? And since when is a medical statement an absolute requirement for an EMERGENCY conservatorship and the lack of that single document sufficient for not entertaining even a modicum of any other testimony?