

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-056

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner improperly ruled on a child support matter without considering his response.

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 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 12, 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 12, 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

2015-056

COMPLAINT AGAINST A JUDGE

Name:

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.

See Attached: Denying Due Process

Lined area for writing the complaint.

Realizing that Judge _____ had based her award without considering my written Response which was much more thorough and precise than my brief synopsis presented in court, I then submitted to Judge _____ a Motion To Reconsider the Amount of _____ (copy of motion enclosed).

I sent my returned Response package along with the Motion to Reconsider to the Honorable Judge _____ Division _____ County _____ Court as directed on the form letter (copy enclosed).

On _____ I received a telephone call from Judge _____ who was obviously upset about me sending the Motion and my original Response directly to the Judge. After her verbal inveigh subsided, I respectfully said "Can I ask a question? To which she replied, "No". I then said, "I know you cannot give me legal advice but you can give me information". "Yes I can", was her reply. I then asked what she was going to do with the Motions. She said, "I'm going to take it to the Clerk of the Court and have it filed".

On _____ I received my Motion to Reconsider, My original response and the uncashed money order in the self-addressed stamped envelope I had enclosed at the outset. There was a hand written note from _____ stating "I don't know what this is for" (copy enclosed).

Had Judge _____ had the opportunity to read my response before making her decision, she would have seen that I have and will continue to be a responsible individual who cares and want to contribute to both of our children not just the one who has continued to live with me, since the breakup occurred. Therefore, with all the facts and copies of document as evidence, I have been denied Due Process as a Respondent in this case.

I am aware that this Judicial Committee has very little authority over the Clerks of Court, however upon receiving my Motion to Reconsider (telephone call from said judge's verifies receiving said documents), Judge _____ should have had the where-with-all to address the legally sound argument to Reconsider rather than simply ignoring the issue.

Sincerely