

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-143

Judges:

Complainant:

ORDER

The complainant alleged a pro tem municipal court judge did not afford her an opportunity to be heard and engaged in improper courtroom demeanor. The complainant also alleged a municipal court judge improperly allowed her confidential address to be revealed, and failed to appropriately supervise other judges in her court. And finally, the complainant alleged a hearing officer improperly granted a protective order.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judicial officers 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 municipal court judge and the hearing officer did not violate the Code in this case. The complaint is dismissed as to these two judicial officers pursuant to Rules 16(a) and 23.

As to the pro tem municipal court judge, the commission found no evidence of ethical misconduct and concluded that the judicial officer did not violate the Code in the case. The commission approved sending the pro tem municipal court judge an advisory letter reminding her of her obligations under Rule 2.8(B) to remain patient, dignified, and courteous to litigants and others appearing in her courtroom. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: September 25, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judicial officers on September 25, 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

JUDICIAL COMPLAINT

Reference

Rule 1

Rule 2

Rule 5. Rules of Evidence and Disclosure for Protective Order Hearings

Rule 8. Contested Hearing Procedures

Arizona Revised Statutes Annotated
Arizona Rules of Protective Order Procedure
17B A.R.S. Rules Protect.Ord. Proc.,

Rule 8D. Parties' Right to be Heard. The judicial officer shall ensure that both parties have an opportunity to be heard, to present evidence and to call and examine and cross-examine witnesses.

refused to allow me to present my evidence or to be heard. She was dismissive and stated “ ”

RULE 2.6 Also Ensures the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding the right to be heard according to law.

1. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed. The judge plays an important role in overseeing the settlement of disputes, but should be careful not to undermine any party's right to be heard according to law.

Falsely presenting claims to a court is a serious issue. Defaming some one with false statements is a

serious issue. Had _____ allowed me my right to be heard (due process) and present my evidence establishing the false claims the matter would have been cleared up on that day. Instead it still festers and has caused me serious damage.

At no time did _____ ask the respondent _____ if he had filed police reports about his allegations. I was unable to verify that he filed any report with the police about either of his allegations. Additionally she allowed respondent _____ to provide a list on a computer printout claiming my police reports about him and his family unending disruptive behavior, property and personal damage, animal cruelty to a service dog, and domestic violence over _____ years, yet the police advised me that this list shows me as the victim.

Evidence Rule 5 A. 1. a. allows for the “judge: to exclude any materials that would unfairly prejudice the issue before the court, b. cause confusion of issues or e. lacks reliability. Since she refused to hear my evidence she also denied a comparison of claims that would be a violation of Evidence Rules.

_____ had a duty to hear this proceeding with patience and courtesy consistent with the duty imposed in Rule 2.5. Judges can be efficient and businesslike while being patient and deliberate yet _____ was none of these. Her screaming and shouting was not only disruptive but showed lack of restraint and professional demeanor. Rule 2.8 refers to the way in which judges are to present themselves.

This behavior may also be a violation of Rule 2.11 for showing clear bias against me as the petitioner.

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially as defined in Rule 2.2. Clearly _____ did not.

Her actions also showed bias and negative demeanor against me as defined in Rule 2.3

RULE 1.2. states that a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. _____ – in this proceeding did none of this. A review of the recording is also a record of the problems.

Highly offensive as well was her refusal to allow _____ first claim as it was too old (a part of my petition that was not allowed to be presented.) Then re later allowed it.

You either follow the rules or you don't. You cannot pick and choose.

The rules provide that one must be truthful in their presentations which _____ was not from his initial filing and hearing with the “judge” who originally signed his petition which was purely for retaliation against me as included in my evidence for reporting his unlawful

At the very least this should be reviewed for contempt of court by _____ with a _____ year criminal history of domestic violence, keeping a child out of school, and alcohol abuse. A _____ who not only harmed me but _____ other of my neighbors.

Before _____, she have listened to me whether she agreed or not. She did not listen and she clearly refused my right of due process in the fray.

Please refer to my witness list (attached) as all of these people commented to me after the “ ” that “ ”.

Additionally it should be known for the record that I called this to the attention of the Presiding Judge immediately after the proceeding was dismissed. In letters to Judge I provided her the opportunity to address this complaint. She did not as indicated by ignoring her responsibilities under Rule 2.11 and or 2.15 and others.

told me that they do not cross reference files. This led to a violation of and this is a Class 1 Misdemeanor in Arizona. I have had since . These are protected under the full faith and credit regulations of the United States Government but seemingly not in . All my including my were on file with the court for

Instead of immediately addressing my concerns when said “ ” She then said I could appeal. She then referred me to the

Judge was provided with a complete copy of the pages I filed with the police.

All of this was extremely traumatizing to me on top of the problems with

This damage was enough but it became worse when I tried to locate legal assistance to appeal the denial of my unheard claim. Many phone calls and denials of help came but so did a rude awakening from the last lawyer I called out of . He explained to me that – which and an – he continued to explain that

. He added that . He was not the first of the lawyers and legal aid I called that referred to the . Later a judge in this court demeaned me verbally because I did not continue the appeal and refused my my against . I was denied other recourse kept from me by Judge at the time.

I did file with the on morning for but I do not know the status of my page complaint including witness statements that would not hear.

As to Judge it appears she did not confirm any of allegations and ignored the fact that one of them was over aged and as such was moot. This would then invalidate his entire petition. She later refused my renewal which could be considered conflict of interest, and perhaps she should have recused herself for fairness concerns, at least. I do recall however that she did put on notice for the domestic violence and his in keeping with the city ordinance. (attachment)

I would add that this looks as if the entire system needs to have an overhaul if there is to be Due Process for any one.

Thank you for your prompt attention to and consideration of my concerns.