

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-168

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge engaged in improper ex parte communications.

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: September 22, 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 September 22, 2015.

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

Complaint Against an Arizona Judge

Judge's Name:

Judge's Court:

Cause of Action and Caption:

named my _____ and me _____ to serve as
for my _____ on or about _____.

Background Facts: Please read the attached _____ factual account
titled _____ about my _____. To
summarize the account, I carelessly permitted _____ to wander away from me on
the _____. On about _____,

_____ issued an order barring me from taking _____ away
from _____, his _____ in _____. During a family
discussion at _____ on _____, _____ abruptly terminated the meeting after
about _____ and immediately affirmed her order, leaving me virtually
sputtering with many questions that she angrily refused to address. Therefore, on
_____ I prepared a letter to pose the same questions. From the internet I
learned that _____ worked with _____, whose address
was listed at _____. Accordingly, at about _____

I drove out to slip my envelope under her office door. I arrived and learned,
much to my surprise, that _____ apparently also
address. Therefore, I put the envelope _____ of a
in _____, which _____ was about _____ from _____ and about
_____ from _____. The following day _____ informed
_____ that _____ viewed my hand-delivery of the letter to constitute
“ _____,” and feared for her life.

I learned on _____ that _____ met with
(presumably within _____) and informed him that I was
“ _____” her and that she feared for her life. After considering the
circumstances, _____ authorized _____ to ignore my letter of

and any others that I may send, in addition to any telephone calls I may make in an attempt to communicate with her. Enclosed is a copy of my letter of _____, as well as several thereafter: a) _____, b) 8 _____, and c) _____, each one expressing my dismay that she was dodging my efforts to determine the legitimacy of her order.

I prepared my letter of _____ to _____ after speaking with _____, who confirmed my suspicion that no statute or rule authorized _____ to issue an order regarding the conduct of a _____

Ultimately, on _____, I filed a complaint against _____ with the _____, convinced that her absolute refusal to respond to my questions (including my request that she send me a copy of her order) constituted a breach of her duty to be honest pursuant to the _____

Legal Basis: It appears that _____ *ex parte*, face-to-face conversation with _____ constitutes a violation of Section 29(A) of the Arizona Code for Judicial Conduct. The _____ willingness to address this matter *ex parte* reflects a breach of his duty of impartiality on several levels: a) That he would accept one good-faith action on my part to constitute the crime of stalking; b) that he would authorize _____ to flout her duty of reasonable care/honesty; c) that he refused to invite me to testify in order for him to obtain a robust grasp of the facts, and; and d) that he would fail to have _____ (or someone on her behalf) inform either _____ that she intended to decline to communicate with me.

I am preparing to challenge the legal basis of _____ order, and have no doubt that _____ attitude toward me, _____, has been irredeemably prejudiced. Therefore, I welcome this Commission's immediate assistance in this ~~matter~~.

Date _____