

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-214

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner engaged in inappropriate courtroom demeanor and improperly held him in contempt for failing to disclose a protected address.

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.

After review, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission approved sending the commissioner a warning letter reminding him of his obligations under Rules 1.1 and 2.2 of the Code to comply with, uphold and apply the law, including becoming fully familiar with the requirements of Arizona's Address Confidentiality Program. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: November 13, 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 commissioner on November 13, 2015.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

Commission on Judicial Conduct,

Unfortunately in my past relationship with _____ in _____, my _____ is a violent perpetrator of domestic violence. I have obtained OOP against her which was substantiated by the Court (Case _____), and found her to have committed acts of Domestic Violence against me. She continues to stalk, harass, and assault me and my family. Subsequently, I became a participant of the Address Confidentiality Program (ACP). My address, my work address, and my children's school address are protected for the safety of my family, as I fear my life is in danger as well as my families. My past experiences are not something I wish for anyone, and the severity of her violence still affects me and children. The ACP program notified the court of my participation.

On _____ I appeared telephonically in front of Commissioner _____ regarding a child support hearing for my _____ in Case _____.

During the hearing _____ asked where I worked at, and I explained in full detail I was a participant of the ACP Program. He verified the ACP notice of participation on the docket, and at no time did anyone dispute whether I was in ACP program. I respectfully explained I could not reveal my work address as it was a protected address within the ACP program. Arizona Revised Statutes regarding the ACP program clearly define a substitute address as protected which includes a participants home, work, and school address for himself and his family members that reside with him.

However, _____ persisted that I disclose my work address. He became irate, yelling at me to disclose my work address, even threatening me with contempt and jail if I did not immediately disclose my address. Again, I explained to him that address was protected, and also that _____ and _____ speak regularly and if I disclosed it, it would most definitely be told to my perpetrator of Domestic Violence due to the _____ collusive relationship. He still continued to yell at me to disclose, when all of a sudden, something in _____ of the courtroom caught _____ attention. _____ asked who that was _____.

It was the very violent perpetrator _____ which she had no business being there, which I had warned _____ about. He then told _____ to leave the courtroom. I then told _____ that was exactly why I did not want to disclose where I work. I even offered to submit my location of work directly to the court in a sealed format such as a Sensitive Data Sheet, and _____ refused.

Apparently, that still was not good cause for _____ to cease the disclosure of my protected address. _____ continued to threaten me with contempt and jail unless I disclosed my protected address. Given the constant threats by _____ and the fear of incarceration, sadly, I forced to tell the court where I worked.

Citizens like me trust judicial official like commissioners know the law. What I learned shortly thereafter is he does not, and the irony of his threats of placing me in contempt and jail, is at _____ was the person who committed a criminal act. Arizona Revised Statutes explicitly covers the ACP program state laws:

41-165 E. An employee of the secretary of state or a state or local government entity shall not intentionally or knowingly disclose a program participant's actual address or telephone number unless the disclosure is permissible by law. This subsection only applies if an employee obtains a program participant's actual address or telephone number during the course of the employee's official duties and, at the time of disclosure, the employee has specific knowledge that the actual address or telephone number disclosed belongs to a program participant.

41-165 F. Any person who intentionally or knowingly obtains or discloses information in violation of this section is guilty of a class 1 misdemeanor.

Aside from his clear violation of the revised statutes, _____ has violated numerous Ethical Rules within the Arizona Code of Juridical Conduct and Judicial canons. _____ lack of respect for me, his yelling at me, his behavior, complete disregard for Domestic Violence Victims, and then his complete disregard of the law was atrocious. He has now placed my life in danger, and my family's life in danger. He has caused harm to me and my family. My perpetrator knows where I work now. I can no longer work at the place I liked, and will have to move, causing an extraordinary amount of money to protect myself. _____ needs to be removed and held accountable for his criminal misdemeanor. He needs to be removed, before he gets me and other people severely injured or killed.

Sincerely,

CC: Arizona ACP Program;
Arizona Attorney General Office – Victim Services;
Arizona Bar Association;
FBI Civil Rights Division;
Arizona Coalition Against Domestic Violence (AZCADV)