

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-342

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace improperly entered an injunction against workplace harassment.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge'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.

Commission members Louis Frank Dominguez, Margaret H. Downie, and Anna Mary Glaab did not participate in the consideration of this matter.

Dated: March 25, 2016

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 March 25, 2016.

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.

This past week I decided that I would have a picket sign made and picket a local shopping center, the _____ and specifically the store _____.

My intention is to do it on the public sidewalk and do so peacefully. A traditional public forum.

The protest is over the owners, _____ who SUED a very _____ into BANKRUPTCY after she made reasonable inquiries into what appeared to be fraudulent billing practices on the part of the _____ This _____ was forced to vacate her lease after being declared in breach of contract for short paying an invoice pending reasonable answers to her questions, which she never received.

The _____ have now made a claim against the _____ that will, if not withdrawn, force us from our home.

On _____ as a courtesy and with the intent of avoiding undue confrontation, I emailed _____ and informed her of my intent to picket the plaza.

On _____ I was served an Injunction Against Workplace Harassment filed by _____ in which the court, _____ finds "reasonable cause to believe that Defendant (me) may commit an act of domestic violence" and further barring me from getting closer than 50 feet of _____ It seems that _____ wishes to stifle me exercising my free speech right of speaking the truth in front of her _____ She desperately does not want the truth to be known and _____ is facilitating her wishes in violation of my civil rights.

I am proud to be and have always been "intentionally non-violent". There is NO history of violence.

It seems that Judge _____ places little weight on our constitutionally guaranteed right to free speech and peaceful protest in and on public forums such as public sidewalks.

It also seems that Judge _____ has little regard for Arizona statutes which in ARS 12-1810 titled INJUNCTION AGAINST WORKPLACE HARASSMENT states at L #2 - "This section does not: Permit a court to issue a temporary restraining order or injunction that prohibits speech or other activities that are constitutionally protected".

Judge _____ who routinely issues domestic violence restraining orders seemingly has no concept of the definition of domestic violence as I have never had any "domestic" relationship with _____ that would qualify as such, i.e. being a relative, lived together, have a child together, etc. yet he states a threat of "domestic violence".

As stated previously I proudly state that I have no history of, or inclination to violence. I am and have always been intentionally and proudly non-violent!

The complaint stated no specific instance of violence, as required, as there has never been any.

The injunction appears to be placating a business owner who is concerned about the effect of having the truth about her actions told in front of her shopping plaza and completely strips the defendant of his rights to free speech via peaceful protest on a traditional public forum, i.e. city sidewalks.

Judge _____ actions violate Canon 1 of the Arizona Code of Judicial Conduct which requires that a judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid the appearance of impropriety.

Rule 1.1 A judge shall comply with the law, including the Code of Judicial Conduct. As stated above, ARS 12-1810 prohibits the court from issuing a temporary restraining order or injunction that prohibits free speech or other activities that are constitutionally protected such as my right to peacefully picket on a public sidewalk.

Rule 2.2 Impartiality and Fairness
A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially
Judge _____ by issuing this injunction violates ARS 12-1810 as stated above and also ignores the requirement that a "domestic violence" protective order must state at least one specific instance of violence and a specific date and therefore issuing this injunction has the appearance of partiality and unfairness.

Rule 2.5 Competence, Diligence and Cooperation
(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.
By violating ARS 12-1810 and my constitutional right of free speech and the rules for protective orders, Judge _____ has not competently performed his judicial duties.

A.R.S. 13-2921 AT D STATES THAT HARASSMENT " THIS SECTION DOES NOT APPLY TO AN OTHERWISE LAWFUL DEMONSTRATION ASSEMBLY OR PICKETING.