

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-043

Judge:

Complainant:

ORDER

The complainant alleged a pro tem municipal court judge was prejudiced against her and improperly modified a protective order.

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(a).

Commission member J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: May 10, 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 May 10, 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.

There was precedence to my case that judge should have been aware of. Please refer to *Saward v. Norton*, 235 Ariz. 286, 330 P.3d 1013 (Ariz. Ct. App. 12/01). In *Saward*, the Court of Appeals directs courts to either limit the scope of the hearing to the allegations of the petition or allow plaintiff to amend the petition and reschedule the hearing to give the defendant the opportunity to prepare a defense against new allegations. Judge _____ did not do that. She listened to new allegations from the plaintiff and even modified the order of protection against me based on the new allegations. My 14th amendment right to due process was violated and she had no right to make the decision to keep the order in place basing the decision on new evidence. It was also clear that she had already decided to side with the plaintiff. If judges are going to be ruling on orders of protection, they should be better prepared and be better trained.