

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-045

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in inappropriate courtroom demeanor and improperly suspended his parenting time.

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).

Dated: March 31, 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 31, 2016.

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

Complainant alleges that _____ was rude, made inappropriate comments, denied _____ constitutional right, and improperly suspended parenting time.

On _____, _____ ordered complainant to contact _____ before _____ to implement parenting coordinator service. The PC listed on file for this case was _____. Rule 1.2 of the Code of Judicial Conduct requires judges at all times to act in a way that promotes confidence in the judiciary and to avoid impropriety and the appearance of impropriety. The _____ order was never amended. Although complainant submitted statements and records of _____ multiple phone calls to _____ before deadline, _____ decided to suspend parenting time. This suggests that all members of the public and legal community are aware of _____

_____ personal rule on communication. 28 USCS Sec. 455, and Marshall v Jerrico Inc., 446 US 238, 242, 100 S. Ct. 1610, 64 L. Ed. 2d 182 (1980) states “The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law.” Article VI of the United States Constitution and Stone v Powell, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976) assures, “State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law”. Complainant asserts that there was no expressed notification (whom or how) as to any specification in executed order beyond date. _____ did not provide complainant fair notice of what was expected of _____

On _____, in recorded session, _____ threatened complainant “to not say another word” and abruptly ended hearing by just hanging up. This negatively characterized complainant’s outlook on present case where complainant feels _____ is prevented from receiving a full, fair, and impartial administration of justice. Rule 2.3b of the Code of Judicial Conduct says judges shall not, by words or conduct, manifest bias or prejudice, or engage in harassment. Rule 2.8a requires judges to “be patient, dignified, and courteous” toward court participants. Moreover, Rule 2.6a mandates a judge shall accord every person who has a legal interest in a proceeding the right to be heard. A judge should be careful that efforts to further settlement do not undermine a party’s right to be heard.

There are grave discrepancies, before and after the facts, throughout complainant's case before Rule 2.2 of the Code of Judicial Conduct requires judges to uphold and apply the law. Comment 3 to that rule clarifies that, while a "good faith error of fact or law" should not be considered judicial misconduct, "a pattern of legal error" may constitute judicial misconduct.