

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-103

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge engaged in inappropriate courtroom demeanor, was biased against her, and made improper rulings in a family law case.

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: May 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 May 25, 2016.

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

2016-103

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 are true and correct. I understand that the facts I have provided are based on judicial misconduct.

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.

I believe _____ committed acts of judicial misconduct in the forms of: due process violation, abuse of discretion, bias and conduct unbecoming, incompetence, and dereliction of duty.

Due process violation: "a fundamental, and constitutional guarantee that all legal proceedings will be fair... Also, a constitutional guarantee that the law shall not be unreasonable, arbitrary (based on random choice or personal whim, rather than any reason or subsystem), or capricious (given to sudden and unaccountable changes of mood or behavior).

1. _____ failed to follow the Arizona Rules of Family Law Procedure: Rules 79,G & 83,A and A.R.S.: 25-403 7, 25-403.03 D, 25-414.

2. According to Arizona State Senate, to make changes to previous orders, the burden of proof is on the moving party to satisfy the court that there has been a material change in circumstances affecting the welfare of the child. No proof was offered by _____.

Abuse of Discretion: "a judgement shall be termed an abuse of discretion if the adjudicator has failed to exercise sound, reasonable, and legal-decision making skills.

1. Judge made decision following no rules of proceedings, allowed unsupported accusations from _____ that were denied by the _____ and took the words of children who were agreed upon (by both parties) to have been lying between households. Evidence was shown that _____ manipulated the court system for _____ benefit, but _____ accusations were still used to make decision.

Bias and Conduct Unbecoming: Arizona Code of Judicial Conduct: Rule 2.3 Bias, Prejudice, and Harrassment. A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harrassment, including but not limited to bias, prejudice, or harrassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomical status, and shall not permit court staff, court officials, or other's subject to the judge's direction and control to do so.

1. Judge not only yelled at me in the court session, seemingly based on socioeconomic status concluded that _____ I have the _____ willing to testify (along with message conversation) that _____ was there for business. _____ was contracting with _____

2016-103

According to the Arizona Code of Judicial Conduct, the comments regarding Bias, prejudice, and harassment state:

1. A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.
2. Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Facial expressions and body language may convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.
3. Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

Incompetence, "the condition of lacking power to act with legal effectiveness."

1. Being the judge showed no knowledge of party requests, claims or disputes, judicial conduct, importance of evidence, nor family rule proceedings, the judge appeared to be incompetent during the course of the proceeding.

Dereliction of Duty, "The shameful failure to fulfill one's obligations (neglect, negligence, delinquency, failure, etc.)." has illustrated the failure to adhere to duties as a judicial officer. not only ignored responsibility to follow rules and statutes, but also neglected to provide a fair trial and adhere to the Arizona Code of Judicial Conduct.

I am making this complaint for myself and the protection of future participants in litigation under his ruling.