

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-299

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against her and engaged in improper demeanor in a family law matter.

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 Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: January 31, 2017

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 January 31, 2017.

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

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2016-299

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On _____ I appeared before _____ Judge _____ regarding a child custody matter. Present in the courtroom were _____ and _____ my attorney and _____ attorney as listed on the previous page. At the conclusion of the hearing Judge _____ decided to take his ruling under advisement. Prior to doing so, Judge _____ publicly berated myself and made the following statements to me;

1. " _____ "
2. " _____ "
3. " _____ "
4. In addition, Judge _____ stated " _____ ". This exhibit is the handwritten letter _____ wrote to the court detailing the _____ . How can a _____ written by _____ who is _____ " _____ ". Clearly Judge _____ was not impartial in this matter and had a predetermined opinion prior to the hearing.
5. Judge _____ also told me while I was testifying to answer the questions yes or no only without detail. He stated he is the one who determines credibility and right now you don't have any. Please review the audio/video copy of the hearing for the exact statements made by Judge _____ This is another example of prejudice and lack of impartiality prior and during the hearing.

There was absolutely no testimony or evidence submitted to justify the use of demeaning language or prejudice directed towards me and in my opinion Judge _____ was biased from a previous Judges Ruling on the matter with no respect to the information submitted to him for review and consideration. I am a _____ with a _____ and at no time did I disrespect the Judge or the Court. However Judge _____ by language and conduct, did use words which are prejudicial, inflammatory and degrading directly to me with no cause to do so.

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The above statements are unprofessional and degrading and are in violation of the Arizona Code of Judicial Conduct. Specifically Rule 1.2, Promoting Confidence in the Judiciary (Comment#5). Rule 2.3, Bias, Prejudice, and Harrassment section (B) relating to harrassment and socioeconomic status. Rule 2.3 (Comment #2 & #3). Rule 2.8 Decorum, Demeanor, and Communication with Jurors with respect to section (B) "litigants". Rule 2.2, Impartiality and Fairness.

I will be submitting a copy of the audio/video recording of the eharing once I receive it from

Respectfully submitted,