

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-145

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge failed to recuse himself in a timely manner. The complainant also alleged a superior court commissioner failed to afford the parties an opportunity to be heard before entering orders in a family law proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judicial officers 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 judicial officers' rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officers 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 Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: September 19, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on September 19, 2017.

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

Comp

2017-145

To Whom It May Concern:

I am writing this letter to file a complaint on Judge [redacted] with [redacted] Court System and to express how highly disappointed I am with the [redacted] systems and the judges. On the date, [redacted] my [redacted] was scheduled for a preliminary hearing on her divorce case – NO [redacted] This case already had a venue change and had been moved to [redacted] due to some of the [redacted] with the [redacted] Court Systems [redacted]) and [redacted] with the judges. There were concerns that the judges would [redacted] and would not be able to be impartial. This became evident and reality when the judges at the [redacted] Court were also from [redacted] and knew [redacted] Judge [redacted] admitted to [redacted] one of the [redacted] in the opening remarks and stated he would continue to hear this case even after he himself admitted to [redacted]. Also how does an individual like [redacted] even continue to [redacted] the court systems after his [redacted] ? In my opinion, I feel [redacted] influences these judges to favor the [redacted]

My [redacted], did reside in [redacted] and as a resident of [redacted] should be afforded the same and unbiased protections under the law, but with the [redacted] to the [redacted] and [redacted] we anticipated there was never going to be a fair hearing. She now resides in [redacted] in [redacted] with [redacted] as she doesn't have [redacted] area and was forced out of the home they own jointly. The divorce has been a hardship for [redacted] as there was infidelity with the husband and the next door neighbor [redacted], who is also married. Since the separation no child support has been given or offered.

Before the session began, Judge [redacted] stated he [redacted] (who is employed [redacted] but would not let there be any conflict with deciding this case. With that statement, I don't understand how the court proceeding was even allowed to continue. The first witness, [redacted] on behalf of [redacted], had completed her testimony and was released when the judge stopped and stated he cannot rule in this case as he [redacted] and [redacted]

Judge refused to make any court rulings, as that would have been unethical and criminal. I am disgusted with this outcome. I feel Judge was very bias with the of the court hearing that he resided on – please look over the court documentation. I think it is sad that this ; had to travel to only to find out Judge admittedly when she has had to deal with this hardship of the divorce plus has not received any child support. is a small town and Judge stated he Judge admitted to at the beginning. The also has a named who is also employed by After testified, Judge stated he because Judge would not disclose that until after he had heard the complete testimony of and thought he was going to release was held for cross examination and was told to step out of the courtroom. That is when the court felt the judge would not be able to hear this case as his It is unfathomable to believe Judge did not think to remove himself from this case with the knowledge and He also didn't think to ask or clarify the after ruling he would continue to hear the case. I did not think this was allowed and the judge should have reviewed his case prior to find that lived in , etc. From what I understand the judge () prior to this removed himself from the case because he knew

After petitioning the court to change venue and move the hearing to a different county, the Court felt that a venue change to was suffice, the sitting Judge recused himself due to and the second judge but felt he could still sit on the bench to hear this case. I feel the only resolution is to allow this case to move to the Courts systems. The reason we requested the new venue was because of and initially all of the legal filings that were delivered to the Court in had mysterious disappeared. This was discovered prior to the deadline. We also feel Judge should be held accountable for his action in this court preceding and be removed from his position. It was financially difficult for to travel the distance from , since has elected to cut off all funding to and their , only to find out the court session was stopped due to Judge unprofessionalism with . There isn't even a need for research to be done, as Judge to the court date, and this is especially important since the respondent made this very clear in the initial request for a venue change. Shame on Judge and the Courts for their bias and unethical treatment of the respondent. These actions bring discredit upon the Courts, the elected officials and far exceeds a breach of public trust. Everyone knows this type incident is not allowed in the court system.

Now there is a second incident with another judge from the Court System and this should show the bias treatment to Motion was served from ; attorney on to allow the child of the divorced parents to travel to for the vacation. Judge was quickly assigned to the case on as of there was not a judge to look over the motion. Again I don't understand the Court System and how things are allowed. After Judge made the decision on motion he decided to make a decision on This was unethical and again against the rules

with ruling on temporary time without having a temporary orders hearing where both sides could present evidence and the best interest of the child be taken into consideration. Again I feel there are ties with Judge [redacted] and [redacted] especially with Court Systems. I might not be [redacted] but I know enough to understand that this is not allowed without the temporary orders hearing as this judge did not know anything about the case. How does this unethical decision making and behavior continue? With this type of action, this is why I feel the only fair decision to make at this time to have the divorce case – NO. [redacted] be moved to the County Court Systems. [redacted] has followed the rules as expected by any individual dealing with a situation like this only to have unethical and bias decisions made. I don't understand what an individual is suppose to do and honestly I didn't think this type of behavior existed. Shame on the Court Systems.

Respectfully submitted,