

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-245

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly removed him from the courtroom, allowed a witness to be vilified, and was prejudiced against this same witness in a dependency 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).

Dated: January 29, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on January 29, 2018.

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

2017-245

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.

Attached

Case:

Case#

Court date:

I was in court and scheduled to testify on behalf of _____ of _____ in a custody hearing with the biological father. As the owner of both a _____ company and _____ with offices in multiple states and over _____ employees, I felt that I had adequate knowledge testifying on behalf of _____ whom I have known for over _____

During the trial phase, Judge _____ threw me out of his courtroom unceremoniously because I turned my head to pay attention to a pontificating lawyer (name unknown) who did not represent _____ and accused me of " _____ " at her and others. Judge _____ with his head down and looking at the computer chastised me and when I had the temerity to reply " _____ ", I was told to leave the court or the officers would remove me. This effectively removed me as an advocate for _____ even though his assistant advised later that the Judge would allow me back if I could control myself.

Judge _____ allowed _____ and his advocates to vilify _____ with falsehoods and outright lies ie. Consuming _____ falling against walls etc. with no evidence to substantiate these claims but the Judge remained silent. The purpose of the trial was to determine whether or not _____ was judged to be a competent parent, not to eviscerate _____ Judge _____ remained silent until _____ when he finally quieted the last witness with the explanation as to the purpose of the trial was the competency of _____ The above unchallenged, non-verifiable accusations have made it almost impossible for _____ to ever see _____ again. The representative for the _____ totally agreed with these accusations when advocating for denial of _____ for any _____ visitation rights. Judge _____ never allowed supporting information for the competency of _____ even though this information was made available.

_____ was never given a DUI as was Judge _____ was never accused of being biased or prejudiced in her treatment of physical therapy patients as was Judge _____ in his performance as a Judge and finally never accused of not showing respect and courtesy to others, the same cannot be said of Judge _____ Not a good Judge and not a good person.

Finally, I waited _____ before deciding to file this complaint as I contemplated why I felt compelled to officially address this matter, the first in my _____ it became clear to me after reading the negative press relative to Judge _____ career and my personal observations of him that something was terribly wrong. Along with my partner, _____ we realized that in doing the above that _____ people who work for us in our businesses in the _____ may possibly be harmed as retribution for my actions, nevertheless, Judge _____ harmed _____

2017 - 245

"Res ipsa loquitur" – the thing speaks for itself

Sincerely,

CC: Judge