

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-267

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him and engaged in ex parte communications.

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: December 6, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on December 6, 2017.

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

Complaint to Arizona Commission on Judicial Conduct

Please accept this complaint which I am filing against _____ on this separate piece of paper as the complaint form kept deleting what I had written in this matter.

I am filing this complaint against _____ of the _____ because of his taking a phone call and discussing case number _____ with another judge in _____. The name of the _____ who made a ruling after her conferring with _____ on the phone. I have included the order that _____ issued after her conferring with _____ which is how I found out that they had spoken about my _____ case which was handled in _____.

I believe that _____ violated his duties as an _____ when he spoke to _____ because it created the appearance of bias and prejudice towards me and displayed favoritism to _____ when he told _____ that "he determined that _____ no longer has exclusive jurisdiction and that _____ provides a more convenient forum to hear the motion." There were no motions submitted to _____ by _____ or me in order for him to make that determination, unless _____ conversation were to be considered a motion before his court in our matter.

I am also filing a complaint against _____ for her actions with the commission on judicial conduct for _____ as I believe that her phone call to _____ was evidence gathering by the bench and that is prohibited.

The case number in _____ and _____ went out of her way to show favoritism to _____ and her lawyer in making the call to _____. _____ did not have any motions submitted by either party in order for him to make any determinations about the status of our _____ matter. _____ actions were beyond the scope of his judicial duties and, again, displayed favoritism to _____ and the court of _____ which is entirely inappropriate.

I am seeking that this matter be investigated and I will submit a motion for to remove himself from my _____. It should be noticed that _____ is no longer on the _____ case as it has been handed to _____ right after the order by _____.

_____ actions went beyond ex-parte communications as he discussed a matter with another judge.

Thank you for your review of this very important matter.