

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-103

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge exhibited a poor demeanor, created an appearance of impropriety, was unfair to her, was biased and issued an improper ruling.

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

Dated: August 15, 2018

Copies of this order were distributed to all appropriate persons on August 15, 2018.

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

RE: Case No.

Dear COJC MEMBERS

Pursuant to Judicial Conduct Cannon 1, A judge shall, uphold and promote the independence, integrity, and impartial pf the judiciary and shall avoid impropriety and impropriety.

in official capacity as a Judge with engaged in conduct that was bias to the effective and expeditious adminstration of the business of courts undermines public confidence in the integrity and impartiality of the judiciary, and creates a strong appearance of impropriety.

I, undersigned hereinafter " " submit this complaint that arises from Judge comments at my hearing for " While on bench, Judge made the following remarks:

"

The Judicial Conduct allows "[a]ny person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" to file a complaint against the judge. See 28 U.S.C. § 351(a). To implement that Act, as amended, the Judicial Conference of the United States promulgated the Rules For Judicial Conduct Proceedings. Rule 3(h) defines "cognizable misconduct" as including "conduct occurring outside the performance of official duties if the conduct might have a prejudicial effevt on the administration of the bussiness of the courts, including a substantial

and widespread lowering of public confidence in the courts among reasonable people." Additionally, Judge \_\_\_\_\_ demonstrated extreme disrespect, for instance, lack of judicial temperament, and a failure to maintain and observe the \_\_\_\_\_ required of judges by (1) interrupting and questioning of my appointed counsel during oral arguments; (2) disrespectfully asking my appointed counsel,

Further, Judge \_\_\_\_\_ statements and conduct violated my 14th Amendment- Due Process and Arizona Commission on Judicial Code.

Canon 2 of the Code of Conduct for United States Judges provides that "a judge should avoid impropriety and the appearance of impropriety in all activities." (Emphasis added.) Canon 2A is entitled "Respect for Law." It provides that "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." (Emphasis added.) This rule is "critical—the judiciary's ability to decide cases efficiently and effectively would be severely impaired, and public confidence in the courts would be undermined, if litigants had reason to suspect judicial bias. In other words, 'to perform its high function in the best way "justice must satisfy the appearance of justice. The Commentary to Canon 2A provides in relevant part: "An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety. This prohibition applies to both professional and personal conduct. A judge must expect to be the subject of constant public scrutiny and accept freely and willingly restrictions that might be viewed as burdensome by the ordinary citizen." (Emphasis added.) Violation of Canon 3 of the Code of Conduct of United States Judges provides that "a judge should perform the duties of the office fairly, impartially, and diligently." (Emphasis added.) Canon 3A(3) provides that "[a] judge should be patient, dignified, respectful, and courteous" to all persons "with whom the judge deals in an official capacity." The Commentary to Canon 3A states that "[t]he duty to be respectful includes the responsibility to avoid comment or behavior that could be interpreted as harassment, prejudice or bias." The statements and conduct of Judge \_\_\_\_\_ described above, evince a dramatic and appalling lack of "fairness" and "impartiality." Based upon those statements, " \_\_\_\_\_ " and " \_\_\_\_\_ "

\_\_\_\_\_, cannot reasonably expect "fairness" or "impartiality" from Judge \_\_\_\_\_,

Although \_\_\_\_\_ filed \_\_\_\_\_ was \_\_\_\_\_

\_\_\_\_\_ " This court did not order \_\_\_\_\_ to \_\_\_\_\_ in accordance with \_\_\_\_\_ motion because the \_\_\_\_\_ at that time kept \_\_\_\_\_ as \_\_\_\_\_ "

However, after the \_\_\_\_\_ from this court was issued in \_\_\_\_\_ and the \_\_\_\_\_ was issued in \_\_\_\_\_ the \_\_\_\_\_ should have been dismissed and the \_\_\_\_\_ original order granting the \_\_\_\_\_ . . . Instead, \_\_\_\_\_ eemingly failed to make sufficient efforts to comply with this court's order following \_\_\_\_\_ and facilitate \_\_\_\_\_ approval and transfer \_\_\_\_\_ did not moved to set aside that order and Judge \_\_\_\_\_ lid not make a substantive findings reversing that order.

I, \_\_\_\_\_ declare under penalty of perjury that the forgoing is true and true.

Respectfully Submitted,