

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-112

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner was biased against him, failed to allow his attorney to cross-examine his wife in a protective order proceeding, and made rulings based on feelings instead of facts.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner 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: June 27, 2018

Copies of this order were distributed to all appropriate persons on June 27, 2018.

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

18-112

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.

Commissioner _____ is in violation of Supreme Court Rule 81, Canons 1 & 2. During my hearing no evidence was presented that confirmed that I engaged in any domestic violence against my wife and children. I maintained, and still maintain, that the events the plaintiff cited are not factual and are in fact perjury.

Commissioner _____ was biased in how she treated me as well as how she ran the courtroom. She did not hold an impartial hearing. The first time I went in front of Commissioner _____ was on _____. The hearing was scheduled for _____ but began well over an hour late. After the the plaintiff was questioned Commissioner _____ ordered my lawyer to present our side of the case, skipping the opportunity to allow my lawyer to cross examine the plaintiff. As soon as my lawyer was finished the plaintiff's lawyer was afforded the opportunity to cross-examine me. _____ after he was finished Commissioner _____ declared her ruling, never allowing my lawyer to cross-examine the plaintiff. Commissioner _____ cited part of my testimony, but also my affect for the justification for her ruling. She had a misunderstanding about my testimony that was never allowed to be corrected, as my lawyer was never afforded the opportunity to cross-examine the plaintiff.

The following Commissioner _____ contacted the attorney _____ on record for my case and informed them that she realized her mistake in not allowing cross-examination. She set a call for _____ to set a new hearing date. When that time came they set a new hearing date for _____ after that, on the date of _____. After waiting _____ for my first hearing I was forced to wait an entire _____ to continue the hearing. In addition, the second hearing also began over an hour late.

At the second hearing the misunderstanding Commissioner _____ had with my testimony was rectified. However, she maintained her ruling despite the plaintiff offering no evidence that events occurred in the way she claimed. I maintain that the plaintiff perjured herself a number of times during the hearing in an attempt to get the result she wanted. Commissioner _____ cited as justification for her ruling that _____ If I believe the possibility that domestic violence occurred, either in the past or it could possibly happen in the future, that is enough for me to defend my ruling. Her ruling was entirely based on feelings, not facts or evidence.

During testimony I testified that, during the event in question, my wife had flown into a rage and began screaming, striking/hitting me, and pounding on the car dash and windows, while I was driving on the freeway. She put myself, herself, and our children's lives in danger through her actions. In addition, my wife entered anger management therapy shortly after. My testimony was 100% ignored by Commissioner _____

CONFIDENTIAL

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

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

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Finally, at the end of the hearing Commissioner _____ declared to both parties that her ruling on the case was final and that even if the _____ court ordered the Order of Protection be modified she would not allow it as it was not happening in her court and her ruling trumped anything ordered by the court. This is direct abuse of the discretion afforded her as a Commissioner as she has denied me my constitutional right to parent my children as well as essentially terminated my parental rights for a

Commissioner _____ is in violation of Supreme Court Rule 81, Canon 1 in that she is not upholding an impartial courtroom. Commissioner _____ is in violation of Supreme Court Rule 81, Canon 2 in that she did not perform her duties impartially (she ignored my testimony), competently (she did not allow cross-examination of the plaintiff at the first hearing, she has violated my constitutional rights), or diligently (It took _____ for me to have the hearing I was to be afforded in _____).

I invite you to review the transcripts of the case. They will match exactly the events I have described here.