

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 18-125

---

Judge:

Complainant:

---

**ORDER**

The complainant alleged a superior court judge engaged in improper ex parte communications, failed to afford her an opportunity to be heard, and failed to appropriately supervise judicial staff.

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.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter reminding her of the obligation to ensure all parties are given appropriate notice and an opportunity to be heard as required by Rule 2.6(A). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members George H. Foster, Jr., Art Hinshaw and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: August 15, 2018

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

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.*

18-125

**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.

1. Judge \_\_\_\_\_ engaged in Exparte Communication with \_\_\_\_\_ on \_\_\_\_\_

B On or about \_\_\_\_\_ on behalf of her client filed a Motion for Temporary Orders without Notice. The Court denied the Motion without notice and instead, the Court issued an order that the Motion without notice fails to demonstrate that immediate or irreparable harm will occur without the Court order and found insufficient cause to grant a motion without all parties given an " \_\_\_\_\_

" and issued an order to appear for \_\_\_\_\_ at \_\_\_\_\_ Noted specifically in the Order to Appear was that " \_\_\_\_\_ and that the " \_\_\_\_\_

Must serve copies of the underlying Petition [or motion] and all related documents including this order, upon the Responding Party within \_\_\_\_\_ of the hearing in accordance with Rules 40, 41, 42, and 91 Arizona Rules of Family Law Procedure. The Notice was never Served.

On or about \_\_\_\_\_ the Court was advised the order to appear was never served. The Order to Appear issued by the Court for the \_\_\_\_\_ return hearing was never served. Due Process was at issue for lack of service. The return hearing should have been vacated. \_\_\_\_\_ never filed an Affidavit of Service since the order to appear and underlying documents were never served as the Court ordered.

\_\_\_\_\_ nonetheless went to the \_\_\_\_\_ return hearing anyway and failed to advise the Court that the Motion for Temporary Orders and Order to Appear were never served, but instead the attorney and Judge \_\_\_\_\_ had an extended Exparte communication all of which was on the record. (See transcript of return hearing and FTR of the return hearing of \_\_\_\_\_

During the \_\_\_\_\_ return hearing, \_\_\_\_\_ and Judge \_\_\_\_\_ conducted inappropriate exparte communications in the Court room from the period of \_\_\_\_\_ Never once did Judge \_\_\_\_\_

inquire about whether there was effectuated service of process of the Order to appear. Never once did Judge \_\_\_\_\_ ask where I was nor had I received notice of the order to appear mandated to be served at least \_\_\_\_\_ before the hearing. Never once during the Exparte

Communication in open Court between Judge \_\_\_\_\_ and \_\_\_\_\_ discuss that on \_\_\_\_\_ I emailed \_\_\_\_\_ advising her that she had not effectuated service of process and I had no

plans to be present at court for a hearing that had not been properly noticed. Nonetheless exparte communications ensured between Judge \_\_\_\_\_ Judge \_\_\_\_\_ knew that the nature of the hearing was limited to the her Motion for Temporary Orders filed on \_\_\_\_\_

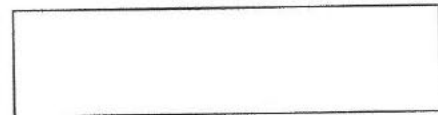
and her Petition for Order to Show Cause Re: Contempt she filed on \_\_\_\_\_ Yet engaged in exparte discussions about a pending motion. Then Judge \_\_\_\_\_ elicited unilateral argument from \_\_\_\_\_

regarding a pending Motion to Dismiss which was never subject of the hearing for Judge \_\_\_\_\_ conducted exparte inquiries of \_\_\_\_\_ as to how to \_\_\_\_\_ for her non- appearance when she could have looked at the docket and known service of the Motion and Order to Appear had not effectuated. The Exparte discussions were violation of Cannons of Judicial Conduct.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**



**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.

The hearing was on the docket as a return hearing for the Motion for Temporary Orders and Petition for Order to Show Cause Re: Violation of the Preliminary Injunction filed on behalf of her client. and Judge engaged in exparte discussions on a pending Motion to Dismiss and my Motion to Extend time to file a Response. I was not there on any of the contested issues and Judge were discussing. Judge knew that the hearing set for was docketed as a return hearing Motion for Temporary Orders and Petition for Order to Show Cause Re: Violation of the Preliminary Injunction. Judge then asked during exparte discussions on the record for legal advise as to how to regarding to the Motion to Dismiss and failing to appear on

There was by the Court that the return hearing would deal with a pending Motion to Dismiss. The judge's conduct in discussing a pending motion to dismiss with an attorney during exparte discussions where other attorneys were present in the Courtroom and one of the litigants were present was wholly violative of the Cannons of Judicial Conduct. This conduct gives rise to little or no confidence that this judicial officer can dispense justice or fair decisions in that there is an appearance of manifest impropriety occurring in this courtroom.

This is not the first occasion of exparte communications I have experienced with this Judicial officer. Specifically, in the case of the adverse counsel had filed a motion to continue a hearing. Neither Judge nor her asked if i was going to file a response to the Motion to Continue, but instead Judge unilaterally continued a hearing on only having filed a motion.

Certainly. Judge

My

level of confidence as to this judicial officer has been dramatically reduced. An admonishment and requirement that a mentor judge sit in the Courtroom with her may be appropriate for this judicial officer.