

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-362

Judge:

Complainant:

ORDER

The Complainant alleged a pro tem appellate judge violated Rules 1.2, 2.3, and 2.6 of the Code.

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 Diane M. Johnsen did not participate in the consideration of this matter.

Dated: April 3, 2019

Copies of this order were distributed to all appropriate persons on April 3, 2019.

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

The [redacted] has been notified and received supporting documentation from the Respondent that he has several neurological deficits and that he should not represent himself with these disabilities without having an appointed attorney to represent him on his behalf. [redacted] has also explained to the courts his financial inability to acquire his own attorney, as well as extensive supportive documentation from the previous related [redacted] case.

Recently [redacted] Judge Pro Tempore denied [redacted] opening documents as they relate to opening briefs on the grounds that [redacted] on his own did not have the knowledge and ability to provide that courts the with the legal documentation and format they were accustomed to, normally had it been produced to them by a representing attorney on [redacted] behalf.

This behavior by [redacted] is discriminatory and in violation with the Americans Disability Act where a complaint will also be filed. [redacted] misconduct as a Judge Pro Tempore shows her lack of Promoting Confidence in the Judiciary as outlined in the Arizona Code of Judicial Conduct.

Cannon 1 Promoting Confidence in the Judiciary

Rule 1.2

Comment 1. [redacted] improper conduct creates the appearance of impropriety.

Comment 2. [redacted] did not subject this matter against public scrutiny, that it could give the appearance of burdensome if applied to other citizens.

Comment 3. [redacted] conduct gives appearance of compromising integrity and impartiality of a judge and undermines public confidence in the judiciary.

Comment 4. [redacted] should participate in activities that promote ethical conduct among judges and lawyers and promote access for justice to all.

Comment 5. The test for appearance of impropriety is whether conduct would create in reasonable minds a perception that a judge violated this code or engaged in conduct that reflects adversely on the judge's impartiality.

Canon 2

Rule 2.3 Bias, Prejudice, and Harassment

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but limited to bias, prejudice, or harassment based on race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judges discretion and control to do so.

violated her performance of judicial duty where her conduct showed bias and prejudice with bias against neurologic disability and his socioeconomic status being incapable or hiring his own attorney for representation of this escalated situation to the Opposing party household income is more than that of plus has family contributing significant financial amounts towards proceedings. I does not have these financial means, or the family to financially support him.

There was a request in opening brief explaining this and asking for legal representation appointment, or financial award from which is what the judge did in the past, in the previous court proceedings. showed bias not taking this situation into account.

Rule 2.6 Ensuring the Right to be Heard

(A) A judge shall accord to every person who has legal interest in a proceeding, or that person's lawyer, the right to be heard according to the law.

did not allow arguments and position to be heard by the court.

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