

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-009

Judge:

Complainant:

ORDER

The Complainant alleged that a superior court judge behaved in an unprofessional manner during a settlement conference in a family law case.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

After review, the Commission found that the judge was overcome with emotion while relating an anecdote of questionable relevance during the proceeding. While this was improper under Rules 1.2 and 2.8(B), the Scope Section of the Code of Judicial Conduct provides that it is not intended that every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Rules 16(b) and 23(a), but to issue a warning letter to the judge that such conduct could be objectively viewed as undignified and does not inspire public confidence in the judiciary. The warning also noted a pattern of such conduct, and that similar conduct in the future may result in the imposition of public discipline.

Dated: May 14, 2019

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on May 14, 2019.

19-009

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.

Prior to appearing before Judge _____ both Petitioner/Respondent filed a notice to the court stating "
"

" The case involved the relocation of a soon to be _____ who wanted to move to _____ with her father in the _____ child support, and a visitation schedule for the parties _____ ages Judge _____ did not make any decisions or settlements in the case and acted unprofessional at times and I believe inappropriate. Judge _____ began by stating he had read the case and wanted to decide how the proceedings would be run. He then took off his black robe, came down from the bench, and stood in front of myself and the respondent. He stated

_____ then released the court reporter. Now the courtroom staff consisted of the

Judge _____ started the dialogue between both parties. His unprofessional conduct began when he would get up from his chair (while the parties were talking) and wander around the courtroom going from his bench to the door and so forth. On occasion he would chime in with a comment. The judge would not turn and face either one of us but with his back turned, speak to us while facing away. No facilitation of the discussion what so ever. The bailiff was constantly wandering around in and out of the courtroom, eating and drinking. The judge allowed so many distractions for a case that matters greatly to those involved including _____ The judge is there to preside over a resolution management conference, he should make decisions. Again, the _____ parties are there because they cannot find agreement between each other. Judge _____ kept stating " _____ ". Which translated to he will not make one decision in the case.

Approximately _____ into the conference Judge _____ told a story that was not only inappropriate but extremely offensive! Judge _____ asked us to bear with him for a moment and he proceeded to talk about a recent vacation he took with _____ He attended a _____ at the _____ Judge _____ stated we should be " _____ "

Judge _____ described how moved he was to watch a _____ perform the _____ He made a point of talking about how the _____ and how he was moved somebody could _____ in that fashion. The judge wished he had made his _____ Although I appreciate the triumphs and accomplishments of _____ it had absolutely nothing to do with my case. The offensive part is I have _____ years. I have spent _____ months in a combat zone and have experienced loss the judge could never imagine. On _____ of my deployments I have witnessed people in my unit _____ and _____ These were not strangers. How dare him talk about " _____ "! Even now, on almost a daily basis, I see people on _____

If the judge would like to truly experience personal triumph _____ He allowed another inappropriate moment at the closing of the conference. Prior to anybody leaving the courtroom the respondent's attorney, _____ personally distributed what looked like _____ to the courtroom staff. Thus leaving the appearance of impropriety.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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This is from my lawyer "

"

From "

"

"

"

From "

"

The time allotted to resolve the issues brought forth before the court was _____ Judge stories and non-facilitation of the discussions was a complete waste of time and did not accomplish anything. He bragged about having _____ experience on the bench and stated we were lucky to have him preside over our case yet he did not make any decisions in the case. I am filing this complaint to make the Arizona Commission on Judicial Conduct aware of what took place and how inept Judge was during my case. The courtroom should be a place to find answers and resolve problems. A judge should be held accountable to make decisions.