

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-087

Judge:

Complainant:

ORDER

July 17, 2019

The Complainant alleged a superior court commissioner improperly handled her request to protect personal information in a protective order proceeding.

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.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on July 17, 2019.

Comp

2019-087

Commission on Judicial Conduct
1501 West Washington, Suite 229,
Phoenix, AZ 85007

Dear Sirs/Madams

Re: Victim's Rights Compromised - Commissioner [redacted] Case Number [redacted]

It is with great concern that I have to bring to your attention to actions of Commissioner [redacted] who has demonstrated a complete disregard for my rights to privacy as a victim of a crime. Under ARS 13-4434 "Victims Rights to Privacy, Exceptions and Definitions", I approached the Commissioner's court to protect my personal information with regard to an Injunction of Harassment served against criminal [redacted] after she was found guilty for an assault against me by [redacted] Court on [redacted]. I was directed to do so by the Victim Advocate in the [redacted] Court where [redacted] did not contest her criminal charges and was found guilty.

However, despite being the victim, instead of protecting my privacy, Commissioner [redacted] firstly chose to not protect my personal information, by denying my initial request. She then ordered a hearing to discuss the matter. On learning this, I submitted a cancellation motion of the hearing to redact personal information so that the Injunction of Harassment be left as is, as I could not engage in a hearing to discuss my rights to protect my personal information with the criminal [redacted] who I was assaulted by, as this clearly defeats the purpose of protecting my information.

Despite this, I received notification from the court dated [redacted] on [redacted] stating that I did not appear at a hearing of [redacted] and further, I had requested the hearing be rescheduled for [redacted] on the said day. This was completely false as I had informed the court that I would not be in attendance in the last motion filed with the court on [redacted] where I asked for the hearing to be cancelled all entirely.

In the notification of [redacted] the court also ordered that [redacted] on [redacted] to discuss the protection of my personal information which is protected under ARS 13-4434 "Victims Rights to Privacy, Exceptions and Definitions", thereby giving me no choice but to attend the hearing. However, as I had been told by Commissioner [redacted] assistant [redacted] when delivering my last court motion on [redacted] that the criminal [redacted] would not be included, contrary to *ex parte* rules, and as the Commissioner denied the request to protect my personal information, I still affirmed my request for the hearing to be cancelled. However, further to the court order, I presented myself today as required.

On appearing in court this afternoon as ordered, Commissioner [redacted] revealed that contrary to information on Minute Entry of [redacted] and provided by her clerk [redacted] criminal [redacted] would be [redacted] to discuss the matter of my personal information. This was despite [redacted] sending me a confirmation email on [redacted] confirming that Commission [redacted] had been provided with my motion of [redacted] to cancel my request for [redacted]

**any hearing and for the Injunction Against Harassment which had been served against
to be left as is.** However, today Commissioner [redacted] claimed to have not received it.

Ignoring material fact that I had filed a motion to cancel the hearing so that I would not have to engage with criminal who assaulted me, clearly victimizes me again, and I was left with no choice but to not engage in the hearing, which appeared to disregard the fact that I am the victim. I reiterated to the Commissioner that I had clearly filed a motion with the court on [redacted] for the hearing be cancelled and the Injunction of Harassment to be left as is. Commissioner [redacted] ignored this.

I am both disgusted and appalled by the treatment that I have received by Commissioner [redacted] court and her denial of protecting my personal information despite of being a victim of a crime. Her court's actions have traumatized and victimized me again and I would appreciate if this is looked into as Commissioner [redacted] appeared to be using her position to ignore the seriousness of me having been a victim of crime, instead she further victimized me. Rather than protecting my personal information, the Commissioner ordered a hearing where I would be required to discuss, in the presence of the criminal who assaulted me, why my personal information should be protected thereby compromising my protections under statute ARS 13-4434 "Victims Rights to Privacy, Exceptions and Definitions", and what one could reasonably expect from the courts.

Yours sincerely,