

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-103

Judges:

Complainant:

ORDER

July 24, 2019

The Complainant alleged two superior court judges violated his right to privacy.

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 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).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 24, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

19-103

COMPLAINT AGAINST A JUDGE

and

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.

My complaint against Judge _____ and Judge _____ is for violating my right to privacy for failing to safeguard " _____ ' from inappropriate access.

I am, for the time being, appointed to represent criminal felony defendants from the _____
On _____, a court appointed defendant brutally assaulted me in court in the middle of jury selection. The defendant's name is _____ The entire incident was on FTR. Unfortunately for me, however, and in direct violation of my rights under the victim bill of rights, court administration allowed anyone who knew about the attack to immediately download and watch the FTR of my attack without my permission. It seems as if every person at the _____ etc. had watched that video that same day, and for all I know, still have a copy of it. An assistant _____ even told me I " _____ ' because so many people had seen the attack. A _____ attorney also told me a prosecutor at the _____ attorney's _____ asked her to email her the video. I asked her please not to send it to her or anyone else, and to tell everyone she knew the same. Private attorneys who do not go to court very much knew about it and had seen the video. From what source I don't know.

The next few days and weeks, people would stare at me at court, and random people I didn't know, many of them non-lawyers, for example, administrative staff at _____ and the court, asked me about the attack, while it was still very fresh in mind. Why anyone thought they should see the video is beyond me.

I felt, and still do, violated and abused by the idea random people who had no business watching what happened to me. The attack itself was humiliating enough; now it is even more humiliating and degrading to be the subject of jokes and voyeurism. The attack was very serious. If circumstances were just a bit different, if I had hit my head on the bar or he had used a pen, I could have easily lost an eye, in a coma or even killed.

However, what happened to me was not unforeseeable. It was perfectly predictable and it will happen to again. As such, my complaint against the presiding judge of the _____ court and criminal bench is as follows:

The _____ court administration should have kept the FTR off-limits so no one who did not need to see the FTR, or did not have my permission. It is not too complicated to create such a safeguard, as it is already done with ECR. Judge _____ and _____ bear the responsibility for not having instituted such a system, and they need to be accountable for not having done so. That video is still out in public on God only knows how many computers. I have not even told my parents what happened to me, and it makes me sick to my stomach they find out because Judge _____ and Judge _____ failed to safeguard FTR and my right to privacy.

I have already filed a notice of claim against _____ County _____ and _____ and I filed an Equal Opportunity inquiry against _____
If I file a lawsuit against _____ County, it will include a count for breaching my rights as a victim and my right to privacy.