

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-163

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Judge:

Complainant:

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**ORDER**

August 28, 2019

The Complainant alleged a pro tem justice of the peace was biased against a male litigant, engaged in improper demeanor, and was misinformed about the law.

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).

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 August 28, 2019.

**2019 - 163**

**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.

I represented the defendant in this matter. There were several issues of concern during the proceedings.

1. The Judge chastised my client severely, after only hearing from the Plaintiff, as part of his prima facie determination. It was totally uncalled for and I objected and said "

" He then acted befuddled for a second and agreed with me.

2. The Judge refused to explain his ruling, instead saying something like, "

" I presume he was referring to his prima facie determinations. I found it inappropriate for him to just affirm those findings without any mention of the Defendant's testimony, where he denied the facts that served as the basis for the findings.

3. MOST IMPORTANTLY, this Judge stated, as part of his ruling, that "

" This was concerning to me because the way he said it, and when he said it, made me believe that he was trying to split the baby. The dangerous aspect of this is that the Court Judge, today ( \_\_\_\_\_ ), that she could not modify the Order of Protection. I am worried that this Judge, subject to this complaint, is using misinformation about the legal issue as a justification for upholding Orders of Protection.

Taken as a whole, I believe this judge was biased against my client in an abnormal way. I perceived a bias based on sex (male/female) but can't extrapolate, personally. Furthermore, he seemed to be acting under the false impression that his ruling wouldn't have consequences for a subsequent family law case, and using that false knowledge to justify upholding the Order, aka splitting the baby.



with respect to minor child,  
listed as protected person