

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-168

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge did not afford him an opportunity to be heard on an order of protection, made personal attacks against him in a minute entry, retaliated against him for not being promoted, and made false statements in a minute entry.

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 made gratuitous comments regarding the Complainant in a minute entry and made improper comments about the placement of a child based on the parents' conduct. While this was improper under Rules 1.2 and 2.8(B) of the Code of Judicial Conduct, the Scope Section of the Code provides that not 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 Commission Rules 16(b) and 23(a), but to issue a warning letter to the judge to avoid making comments that give the impression of prejudging a future issue and to refrain from making gratuitous comments.

Commission members Roger D. Barton and Colleen E. Concannon did not participate in the consideration of this matter.

Dated: September 23, 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 September 23, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-168

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.

See the attached "Violations of the
ARIZONA Code of JUDICIAL CONDUCT By Judge
County

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VIOLATIONS OF THE ARIZONA CODE OF JUDICIAL CONDUCT BY JUDGE

COURT JUDGE

I. PROCEDURAL FACTS

1. On _____ obtained a standard uncontested Order of Protection ("OOP") issued against _____ from the _____ - Case No. _____

2. The _____ Court acquired jurisdiction over _____ on _____ when _____ was served with a Petition for Dissolution of Marriage which was filed by Mother on _____ in Case _____

3. On _____ a continued hearing on Mother's OOP was heard by Judge _____ ("Judge _____") at which time Judge _____ amended the OOP Mother obtained on false grounds against _____ in _____ after a total of _____ of evidentiary hearings (the first taking place on _____) resulting in the reunification of _____ and his then _____ old child son _____ after _____ days of _____ wrongfully keeping Father from contact with his son. At the hearing, the Court lifted all Orders of protection concerning the minor child. Judge _____ wrote that the claims made by Mother were " _____ " and that " _____ "

4. On _____ a CONSENT DECREE FOR DISSOLUTION OF MARRIAGE WITH MINOR CHILD (" _____ ") between _____ was signed by Judge _____ and entered by the Clerk of the Court on _____ in Case _____

5. The Consent Decree set forth that “

”. See page paragraph of the attached Exhibit “2” Consent Decree.

6. The Consent Decree went on to state that “

”. See page , para. , line

7. Just LATER on improperly applied for and obtained an uncontested Order of Protection from the Court against in Case despite the County having original jurisdiction as a result of the pending Family Court Matter in which the Consent Decree was entered. The Court OOP contained the boilerplate “ ” language adding that “|

”. The improperly obtained Court OOP contained Orders which conflicted with the Orders of the Court Consent Decree and also mandated that “

”. See the OOP attached hereto as Exhibit “3”.

8. On filed “

9. [redacted] was ORDERED TO APPEAR on [redacted] for the Return Date on [redacted] EX PARTE Rule 47(B) and (K) Motion.

10. At the Return Hearing on [redacted] the Court set a “

[redacted]” for [redacted] and also appointed the Honorable Judge [redacted] as Parenting Coordinator in the case.

11. On [redacted] after the [redacted] OOP transferred from the [redacted] Court where it was improperly obtained to the [redacted] Court having original jurisdiction in case [redacted] Judge [redacted] issued an AMENDED ORDER changing the terms of the [redacted] OOP reflecting that “

[redacted]” and issued Other Orders that “ [redacted]” and adopting the Parenting Coordinator’s [redacted] Report and Recommendations C, D, E, F, G, H and I.

12. At the hearing on [redacted] the Court re-set the Hearing regarding Respondent’s [redacted] Time and Child Support filed on [redacted] and Petitioner’s subsequently filed [redacted] Petition [redacted] Parenting Time, and Child Support for [redacted]

13. On [redacted] filed RESPONDENT MOTION TO QUASH [redacted] ORDER OF PROTECTION AND REQUEST FOR HEARING DATE and Request for Production of Exhibits 1 – 10 not served allegedly attached to the Order of Protection”. Attached hereto as Exhibit “4” is the [redacted]

14. At the Hearing on [redacted] Judge [redacted] “ [redacted]

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**