

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-225

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, did not afford him an opportunity to be heard, and improperly summoned a deputy to the courtroom.

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 Commission approved sending the judge an advisory letter advising that, under the circumstances presented here, the verbal summoning of a deputy to the courtroom had a chilling effect on the complainant's testimony, and such conduct may run afoul of Rules 1.2 and 2.8(B) of the Code. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Barbara Brown and George H. Foster, Jr., did not participate in the consideration of this matter.

Dated: November 6, 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 November 6, 2019.

2019-225

INT 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.

My first time to the courthouse was on _____ did not attend the meeting although she was served at her last known address. At this time the judge was recorded and told me he would speak to her about her failure to appear at our previous appointment. Judge also ordered for _____ to take our son to see a counselor to help him with his problems at this time. I took the day off work to attend this hearing.

The second time we were scheduled to meet the courthouse was on _____. I took the day off to attend this meeting. As I was finding a spot to park my phone rang and it was the judge's assistant telling me they needed to reschedule the court date because the judge made a mistake in the scheduling and wouldn't have the counselors report back yet. The way she told me and the tone she had gave me the impression that she assumed I was going to be upset about the rescheduling. She was right. I told her this was "_____ and I wasn't happy about wasting my time for the SECOND time. She actually stated to me that "_____"

Full text recording, listen



COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

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to what she said, I told her "absolutely"

'and that was all.

On the third meeting of the courthouse Judge heard us speak and then chastized me for speaking to his assistant the way I did. He didn't ask me what happened or why he just took his assistant's word for it and that was that. He stated in the record that he

"I took a mental note of that statement. The judge DIDN'T speak to _____ about not showing up for our first meeting. The judge DIDN'T apologize for making a mistake on the scheduling. The judge DID raise a question in my mind about his ability to judge our case in an unbiased manner. On our fourth meeting on _____ the judge explained what was going to happen and how we were going to proceed. _____ was speaking and she was telling the judge incorrect information and I was sorting through my papers to show the judge when he yelled at me, "listen to the recording." I apologized and didn't "sort through my papers" anymore.

I felt this was a very petty thing to make an issue over and I began to think the judge ~~was~~ was NOT going to be unbiased in this case. I spoke for approximately - during which time the judge re-spoke his initial questions and showed great patience with her inability to directly answer any questions and/or ramble on about nothing to do with the question he asked. He was leading in his questions with her and appeared that he was acting as her counsel and NOT the judge.

Next it was my turn to speak. The judge asked me what I was that I wanted to do. I started off by trying to refute some of the things that she stated that was incorrect. The judge immediately yelled at me to "and then instructed one of his assistants to call a sheriffs deputy to the courtroom, FOR WHAT? I didn't raise my voice, stand up, or act in any threatening manner. I was in complete control over myself and there was no other reason to call a sheriffs deputy into the courtroom other than to try to intimidate me. Again, listen to the recordings and see if I'm lying or telling the absolute truth. I was allowed to continue and I made a point that lied when she stated that our son was failing " of his classes when he was living with her. In fact, he was failing classes, The judge then said the word " is debatable.

is not debatable. is the
majority, not as " suggests. The fact
that the judge was acting as counsel for the plaintiff
and debating me as to what " was defined
as was absolutely appalling to me. at this time
I told the judge that I didn't feel comfortable
with him being the judge in this case. The judge
leaned forward and yelled " Again,
please listen to the tapes. what did " mean?
" for an unbiased judge? for
a fair hearing? after I spoke for only

and was not allowed to speak through
the threat of intimidation because a sheriff's deputy
was in the room and if I said something the
judge didn't like he could have me put in jail.

I will leave this issue in your hands to
look into. I have no reason to lie about any
of this. The tapes will verify what I have stated is true.
I don't know what Judge decision will be
but whatever it is I don't have faith in his ability
to make an unbiased decision.