

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-237

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Judge:

Complainant:

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**ORDER**

November 5, 2019

The Complainant alleged a superior court commissioner failed to timely set a hearing on a protective order, refused to allow him to present evidence, engaged in ex parte communications, used hand signals to avoid answers being on the record, told the complaint he “does not care,” and made improper rulings in a family law matter.

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 Commission Rules 16(a) and 23(a).

Commission members Roger D. Barton, Barbara Brown, George H. Foster, Jr., and Diane M. Johnsen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 5, 2019.

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

FOR OFFICE USE ONLY

2019-237

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.

Honorable \_\_\_\_\_ has abused his discretion repeatedly in case # \_\_\_\_\_ minute entry dated \_\_\_\_\_ shows an order of protection was issued filed on \_\_\_\_\_ and the court did not make a ruling. The order of protection filed and granted was dated \_\_\_\_\_. A contesting hearing was requested by defendant. On \_\_\_\_\_ a hearing was set to hear the petition for the order of protection. Pursuant to the rules and procedures established Arizona Rules of Protective Order Procedure Rule 38(b)(1), requires that the hearing be set within (5) court business days of the request. AR POP 38(b)(1) ordinarily, the court would contact both parties by telephone to notify them of a hearing if there is insufficient time to accomplish proper notice by mailing. \_\_\_\_\_ has failed to comply with the law. A hearing was set on \_\_\_\_\_ to hear the matter. A new hearing was set on \_\_\_\_\_ in regards to the same order of protection issued on \_\_\_\_\_. No new claims were filed or presented on factual evidence. The information provided on petition was admissible by speculation and false claims. At the evidentiary hearing \_\_\_\_\_ refused to take factual audio and video evidence and police reports provided by defendant in the matter. \_\_\_\_\_ has shown biased behavior towards the parties. \_\_\_\_\_ has been communicating by email to Plaintiff in case and refuses to hear defendant's oral argument or take factual evidence into ~~consideration~~ <sup>Admission</sup>. According to family law Rules and Procedures Rule 77(B), each Party will be allowed time to present all direct, cross, redirect examination, and any argument. \_\_\_\_\_ repeatedly uses hand signals in court to not allow the record to reflect of his negligent behavior. He has not stated no orally but uses hand gestures and nods his head in the " " motion to answer defendant. My witnesses names are attached and can testify to what they observed that these statements are true. \_\_\_\_\_ is abusing his discretion and needs to be removed immediately. My rights and property have been taken and stripped from me. I have not received ~~any~~ any

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funds from the matter as deny, disregard and ignore any and all petitions submitted by defendant. <sup>continues to</sup> has stated in court at a contempt hearing in regards to the sale of ~~my~~ my property."

" Judge signed onto the case to hear the matter and resolve the issues. <sup>refuses to resolve the issues</sup> and has taken my right to my property without justice and proper Rules of procedure. I still have not collected funds from my property and <sup>ruled he has</sup> the final say to sell my ~~my~~ home which I am not allowed to step foot on because of false allegations and rulings ordered by <sup>based off</sup> admissable evidence and improper rules and procedure for his misconduct in court. I have talked with the police department repeatedly to collect my property on the residence and Plaintiff has made it difficult because the court order terminology used is ~~broad~~ broad language. I have repeatedly told <sup>the police officers will not enforce a broad</sup> language court order and to correct the language by issuing a ruling with the proper listing of (property) ordered to defendant to prevent further delay and confusion. has refused repeatedly and disregards the issue.