

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-244

Judge:

Complainant:

ORDER

November 5, 2019

The complainant alleged a justice of the peace improperly issued an order of protection and failed to accommodate a witness with disabilities.

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

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

19-244

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.

A restraining order was issued by the courts on behalf of my ex-girlfriend _____ forcing me and my _____ from our home. (_____ is mod/severely autistic and therefore protected by the ADA I believe.)

The order of protection was granted despite _____ making no accusations of violence, abuse, threats or mistreatment in any way from myself or _____ in the application for the order.

When it was explained to the court, while trying to have the order overturned so that _____ could go home, that the unwarranted order was causing extreme mental and emotional pain to my special needs we were told ' _____ ' and were given a hearing date _____ in the future.

During the hearing on _____ tried to testify, but had difficulty of course. Judge _____ gave him about _____, waved his hand at him and said, " _____ ." He then turned to _____ and said, " _____ ' and dismissed _____ as irrelevant. This is after all of this information had already been provided in the prehearing documents, therefore this judge should have been fully aware of _____ needs and the difficulty he would have in communicating his statement.

Though it was made clear to the judge that _____ had severe mental/emotional/physical needs to be in his own space and environment, and the other party had several other places to go, he waved that off as well and extended the order for another _____ with no explanation of why. Days of horror, confusion, stress, mental and emotional pain for _____

_____ was forced from his home despite having committed no crime or offense and the other party claiming to be in no danger and under no threat. He was disallowed his right to testify in court. He was forced to forfeit personal property without due process. He was subjected to extreme mental and emotional pain which for someone with _____ also results in physical pain and suffering.

Though it most often takes him significant additional time to process and communicate his thoughts, he was able to understand the treatment he recieved. Every step in this process made it clear to this amazing _____ that because of his disabilities he is disrespected, without rights, irrelevant.

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