

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-295

Judge:

Complainant:

ORDER

January 28, 2020

The Complainant alleged a superior court commissioner engaged in ex parte communication 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, including the full recording of the underlying hearing until both parties left the courtroom, 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 member Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 28, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019 - 295

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.

On _____ Commissioner _____ oversaw the hearing for Case# _____
to Enforce Parenting Time. Commissioner _____ decided the Plaintiff _____ would resume
Parenting Time effective _____ through _____ or my
days.

The Defendant _____ voiced her concern she would not have their children for her wedding
scheduled for _____ if the Plaintiff _____ had them over the weekend. Commissioner _____
asked the Plaintiff _____ if he was willing to allow the Defendant _____ custody for the
wedding. The Plaintiff _____ responded he would like to maintain the _____ schedule.

Commissioner _____ responded she will then allow _____ to have the children for her _____ effective
through _____ so she has the children for the
wedding.

Commissioner _____ immediately dismissed the Plaintiff _____ and asked the Defendant
to stay in the court. Once I the Plaintiff _____ was at the exit of the court Commissioner
addressed the Defendant _____ which is in violation of Rule 2.9 Ex Parte Communication A(6).
My concern is the Ex Parte Communication can have a future impact on my request for Modification and I
feel Commissioner _____ responded with bias.

Had Commissioner _____ had time to review the case prior to the hearing Commissioner _____ would
have had a better insight as to the history of the ongoing issues to Enforce Parenting Time as I the
Plaintiff _____ had to file a request to Enforce Parenting Time last year.

I appreciate your time in reviewing my concern of unethical conduct.

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