

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-303

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Judge:

Complainant:

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**ORDER**

December 11, 2019

The Complainant alleged a superior court commissioner acted as an advocate for one party and failed to remain impartial in a protective order proceeding.

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).

Copies of this order were distributed to all appropriate persons on December 11, 2019.

On [redacted] I had an Order of Protection contestation hearing with Commissioner [redacted]. On the initial Order of Protection it listed that I could not have contact with my Wife, Children, visit our home, the kids' school, or our church. The Hearing started off with Comm. [redacted] asking if either of us had any evidence to submit or eye witnesses testimony. [redacted] submitted nothing to the court but a petition (single sheet of paper) for [redacted] to do an investigation into her allegations.

My position was and has been since that the allegations are false. As the hearing began, I was given the chance to ask [redacted] to substantiate her claims of abuse and the concerns for her and the childrens' safety. [redacted] was not able to produce one witness or any form of evidence or actions she took or history to substantiate her claims.

During the hearing, Comm. [redacted] introduced to [redacted] the concept of a " [redacted]" (by asking her if [redacted] of all the times I did something in her opinion that was abusive. To which [redacted] replied YES. Comm. [redacted] then began to expound by discussing the idea that the [redacted] contained more accounts of abuse than were listed in the [redacted]. During the hearing [redacted] was never required to produce the [redacted] into evidence and was not required to go into detail about what the [redacted] contained.

It is my assessment that Comm. [redacted] acted as [redacted] attorney and advocate. She did not maintain her objectivity nor did she make her decision to maintain the [redacted] as it was written based on the evidence or testimony.

Since the hearing I have gone through [redacted] investigations that [redacted] filed, ALL unsubstantiated. Because of Comm. [redacted] actions, I have not been able to see or speak with my children for [redacted] with [redacted] to go. Words cannot express the damage her decision has made.

The question remains: What was presented to her that caused her to believe that I was a threat to my children? That not even supervised visitation was an option or verbal contact would be a danger to them. In addition, as a judge in a court of law, to introduce [redacted] on one party's behalf and not require them to produce it is highly unprofessional. All of this information can be reviewed on the tape of the hearing in care of the court. Since it's too late for me and my family, I hope that this complaint will somehow save another family from the tragic loss that was the result of this decision.

Regards,