

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-332

Judges:

Complainant:

ORDER

February 5, 2020

The Complainant alleged a municipal court commissioner engaged in ex parte communication, was unfair, and improperly admitted exhibits at a protective order proceeding. The complainant also alleged a municipal court judge failed to respond to his questions.

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 member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 5, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-332

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.

For formatting purposes, please see the attached Email.

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From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Cc:
Subject: Complaint Against A Judge

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This Complaint has to do with Commissioner/Judge _____ who
heard the case, the Presiding Judge _____ the Deputy Court
Administrator _____ and the _____ Municipal Courts
Policies and Procedures

The hearing took place on _____

Commissioner/Judge _____ allowed Exhibits to be submitted, and entered as Evidence on the day of
the hearing, less than _____ before the hearing, even though her own ORDER dated
says “

_____”
The _____ ORDER and _____ NOTICE OF APPEARANCE and EXHIBIT LIST are attached.
The first time I was ever made aware that the Petitioner had an attorney (_____) was
less than _____ before the hearing. _____ sent me the attached Email at _____ on
the day of the hearing. Then I received a second Email from him at _____ with his _____ Notice
of Appearance, and Exhibit List. These were signed and dated on _____ less than _____
before the hearing. It was contradictory to the Commissioners ORDER to first provide me with the
EXHIBITS less than _____ prior to the hearing. The actual Exhibit's Emailed to me on the day of
the hearing, and presented at the hearing total _____ pages, see attached. Only Exhibits
_____ were admitted. It was unfair, unreasonable, and unprofessional of Judge _____ to
consider and allow the Exhibits. The hearing took place on a day I was working, and it was not
possible for me to stop work, and review the _____ pages less than _____ before the
hearing.

**SINCE THE EXHIBITS WERE SUBMITTED HOURS, INSTEAD OF THE REQUIRED SEVEN DAYS PRIOR
TO THE HEARING, THEY SHOULD NOT HAVE BEEN CONSIDERED, OR ADMITTED AS EVIDENCE.**

The audio recording of the hearing on _____ was left on after the hearing had ended. It

contains about of talk between Judge and (). Discussing I believe this is highly inappropriate, and could have put in danger, or even a life-threatening situation, by jeopardizing Please listen to the last of the audio CD for proof.

In his Email to me on attached, wrote, “ .” Judge allowed the Plaintiff to obtain, and present into evidence, exhibits which are ‘ ’ (privileged) communication without a subpoena. **This is a clear violation of the law.**

Judge allowed Exhibit number from over old, which includes my full Social Security number, not redacted, see attached. I have concerns with that for multiple reasons.

Judge allowed Exhibits from over ago, attached, that have no relevance to the case. I’ve asked the Court if the Statue of Limitations applies, but they will not provide me with an answer.

After the hearing, I asked the Court Clerk some questions, and was told I can submit my questions to the Judge by Email. For clarification, I was not asking for any legal advice, I was simply asking for clarification on the Municipal Court’s Policies and Procedures. I submitted my questions first to Judge but did not receive any answers. I received a letter from Judge dated indicating, “

” But, the answers to my questions are not contained in either, and I am not appealing the case. I am entitled to Due Process, and to have my questions answered by the Court, my questions are simple and fair. I then submitted my questions to Presiding Judge the Deputy Court Administrator, contacted me by phone on behalf of Judge referring me to the Superior Court rules, and the AZ Rules of Evidence, rather than the Municipal Court answering the questions. I contacted at with the Maricopa County Superior Court, who said since the case is in the Municipal Court, that would be the appropriate Court to answer any questions.

My questions were:

- 1). **In general, is an Attorney entitled to fees if an appeal is not perfected?**
- 2). **If yes, after the hearing and Order is issued, how long does an Attorney have to request fees?**
- 3). **Why did the Court allow the Exhibits, contrary to the Commissioners Order?**
- 4). **The Plaintiff obtained, and presented ‘ (privileged) information as Exhibits without a subpoena, why would the Court allow this?**
- 5). **Some of the Exhibits go back to does the Statute of Limitations apply to documents over old?**

Lastly, as you can see from the attached signatures, Commissioner/Judge signatures are very different. When I received Court documents with either of these titles/signatures, it is confusing, and appears misleading. Is there a valid reason why Commissioner/Judge uses two different signatures?

Thank you,

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**