

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 19-397

---

Judge:

Complainant:

---

**ORDER**

The Complainant alleged a superior court judge exhibited bias in a family law hearing, considered ex parte communications, and failed to afford him an opportunity to be heard.

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 reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission approved sending the judge an advisory letter reminding him to afford all parties the right to be heard so as not to create an appearance of impropriety. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Michael J. Brown, Louis Frank Dominguez and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: May 19, 2020

FOR THE COMMISSION

/s/ Christopher P. Staring  
Hon. Christopher P. Staring  
Commission Vice-chair

Copies of this order were distributed to all appropriate persons on May 19, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2019-397

**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.

Please see all attached documents

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2019-397**

**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.

**FORMAL COMPLAINT AGAINST JUDGE**

The following complaint is against Judge \_\_\_\_\_ for showing clear biased behavior and ex-parte communications in my case in family court.

The facts are listed below as follows:

- On \_\_\_\_\_ the respondent in this case filed a request to waive child support in this case (See attached Exhibit #1).
- On \_\_\_\_\_ Judge \_\_\_\_\_ made a minute entry and order Stating “ \_\_\_\_\_ ” (See attached Exhibit #2).
- On \_\_\_\_\_ the Petitioners attorney in this case ( \_\_\_\_\_ ) filed a notice of withdrawal of request to waive child support arrears for respondent filed \_\_\_\_\_ (See Exhibit #3).

There was a hearing held on \_\_\_\_\_ regarding modification of parenting time and also a motion filed for contempt of child support regarding the above issue. During the hearing Judge \_\_\_\_\_ made the follow comments (See Attached Exhibit #4)

From the transcripts:

Judge \_\_\_\_\_ states that the ruling was an approval.....then he goes on to say “ \_\_\_\_\_ ”

He then goes on to say “  
”.

The he goes on to say that the respondent got good legal advice a little too late.

My response was: I’m sorry?

His response was: I think her lawyer advised her.... I don’t want to get into that

My concern is not regarding the ruling here, but *is* regarding the comments this judge made in the courtroom. In a court that urges parents to work out there indifferences, why would he make this comment after they do just that?

*My question that I want answered is “  
?”*

In my opinion this showed clear (crystal) biased towards this attorney. As he will get to read this I would ask him and you for a response to why he made this biased statement in the courtroom.

**Ex-Parte Communication:**

On \_\_\_\_\_ the Petitioners attorney ( \_\_\_\_\_ ) filed an Emergency Motion to Stay (See Attached Exhibit #5)

Judge \_\_\_\_\_ granted this motion, but the ruling did not come out on the \_\_\_\_\_ until \_\_\_\_\_ In email correspondence (See Attached Exhibit #6) the respondent’s attorney ( \_\_\_\_\_ ) had correspondence with Judge \_\_\_\_\_ administrative assistant asking her to get this Motion to Judge \_\_\_\_\_ for review. In an email to me on \_\_\_\_\_ he states that the Motion was granted. I requested a copy of the Motion which he did not provide.

*My question is how did this attorney know that the Motion was granted and why wasn't I provided with a copy of it?*

Again, as I'm sure Judge        will get a copy of this complaint I would ask that he answer this question.

In my opinion this Judge has shown clear biased in this case and made unprofessional comments during the hearing. It seems that he continues to protect his "fraternal brother" instead of keeping an open-minded view of this case and being a court of equity.

I am requesting in writing an answer to both of my questions listed above.

Sincerely,

**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.**