

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-097

Judge:

Complainant:

ORDER

The Complainant alleged a superior court commissioner was biased against him, prejudged his case, and engaged in improper demeanor 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.

After review, the Commission found that the commissioner's comments, both in content and in timing, gave a perception that he had prejudged the case. Additionally, the Commission found that the commissioner improperly raised his voice at times while addressing the Complainant. While this was improper under Rules 1.2, 2.2, and 2.8(B) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding him to avoid giving an appearance of prejudging a case and to remain patient, dignified, and courteous with litigants at all times.

Dated: August 14, 2020

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on August 14, 2020.

20-097

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.

1. That Judge _____ has revealed his bias in this case when he made several statements during the _____ review hearing all of which reveal his inability to perform the duties in this case with any fairness or impartiality. The direct statements made by the Judge can only be taken as one way a prejudged decision in which he only now going through the motions of procedure as a matter of procedure and has no intention of impartial weighing the facts in the case.

A. Judge _____ began with chastising the Respondent in this matter by directly stating after the Petitioner's Attorney made an opening statement, requesting another "expert" be added to this litigious matter. Judge _____ began raising his voice and stated, "

_____." This statement made by the court is in violation of A.R.S. § 12-409(B)(5). As a matter of the record, the Respondent has never once been admonished or chastised by the court for any of the issues before the court.

B. This statement is the most extreme, unprofessional, bias, prejudged statement I have ever witnessed from a superior court judge or any judge. As a _____ I have attended numerous court hearings and trials and I have yet to witness such a violation of the rules of the court. However, the above-mentioned statement made by the court is not even close to being the end of the concern regarding fairness and impartiality. Judge _____ by a preponderance of the evidence knowingly has violated judicial ethics as well as all of A.R.S. § 25-403. He had ruled from the bench without any evidentiary basis to modify existing conditions and choosing instead ignore the facts of the case, take testimony from witnesses or evaluate the weight of the case itself. The statement made in A should be sufficient evidence to denote that a change of judge in this matter is warranted and is commensurate with AZ ST RCP 42.2.

C. Additionally, the court has over the course of last year since assuming this case has made several statements that has raised serious concerns regarding his ability to fair and impartial. During the 1st review hearing upon being assigned as the new judge in this case he made the statement, "
_____." This comment was made when he made the ruling to increase visitation time and include supervised parenting time. The Respondent had reported that this has been tried several times before and that it appears this case is being relitigated once again and that we had just went through and increase of parenting interaction with the previous Judge assigned to the case Judge _____ Judge _____ at that time stated he was not concerned about what had been previously done and will proceed in the manner in which he sees fit. This comment alone clearly demonstrates his violation of AZ Code of Judicial Ethics Rule 2.5.

D. Judge _____ is unfit to continue to manage this case due to the fact that he completely ignores all

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

FOR OFFICE USE ONLY

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