

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-155

Judge:

Complainant:

ORDER

September 15, 2020

The Complainant alleged a superior court commissioner engaged in improper ex parte communication.

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 complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Gus Aragón did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 15, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-155

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.

COUNTY SUPERIOR COURT,

PLAINTIFF, _____ (MOTHER) CAME INTO THE COURTRHOUSE AND FILED A PETITION FOR AN ORDER OF PROTECTION. SHE ARRIVED WITH _____ MINOR CHILDREN, AGES _____ AND _____ SHE ADVISED THAT THE MINOR CHILDREN WERE HER CHILDREN, AND THAT THEY HAD TO ACCOMPANY HER BECAUSE THE WOMEN'S SHELTER SHE WAS CURRENTLY RESIDING AT, WOULD NOT ALLOW FOR HER CHILDREN TO REMAIN THERE WITHOUT HER SUPERVISION.

IT WAS DETERMINED BY THE JUDGE THAT THE PLAINTIFF AND DEFENDANT HAD AN UNDERLYING FAMILY MATTER CASE THAT HAD RECENTLY BEEN OPENED AT THE SUPERIOR COURT IN _____

THE FAMILY LAW CASE NUMBER IS _____ AND WAS HEARD ON A PETITION FOR EMERGENCY TEMPORARY ORDERS WITHOUT NOTICE PRIOR TO THE FILING OF THIS ORDER OF PROTECTION AND IT WAS DETERMINED THAT THE PETITIONER/DEFENDANT (FATHER) WAS GRANTED TEMPORARY CUSTODY OF THE MINOR CHILDREN.

JUDGE _____ WAS OVERHEAD SPEAKING TO JUDGE _____ JUDICIAL ASSISTANT, _____ ON THE TELEPHONE AND JUDGE _____ WAS HEARD PROVIDING _____ THE DEFENDANT'S/PETITIONER'S (FATHER'S) TELEPHONE NUMBER.

DURING THE ORDER OF PROTECTION HEARING, JUDGE _____ REQUESTED A SECURITY OFFICER BE BROUGHT INTO THE COURTROOM. JUDGE _____ THEN ADVISED THE PLAINTIFF/RESPONDENT (MOTHER) THAT " _____ AND THAT THE SECURITY OFFICER WOULD ESCORT MOTHER TO A CONFERENCE ROOM TO WAIT FOR (FATHER) TO ARRIVE AT THE COURTHOUSE TO TAKE THE MINOR CHILDREN.

MOTHER AND CHILDREN WERE EXTREMELY DISTRAUGHT OVER THIS. CHILDREN EXPRESSED NOT WANTING TO LEAVE WITH FATHER.

IN SUMMARY, JUDGE _____ HAD FATHER CONTACTED PRIOR TO MOTHER'S ORDER OF PROTECTION HEARING TO COME TO THE COURTHOUSE TO REMOVE THE MINOR CHILDREN FROM MOTHER.

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THE JUDGE ASSIGNED TO THE FAMILY LAW MATTER DID NOT ISSUE ANY TYPE OF PICKUP ORDER FOR THE MINOR CHILDREN.

EVEN SO, THE JUDGE CLEARLY VIOLATED THE CODE OF ETHICS BY ASSISTING THE FATHER IN TAKING THE PARTIES' MINOR CHILDREN FROM THE MOTHER AT HER ORDER OF PROTECTION HEARING THAT THE FATHER SHOULD HAVE NEVER BEEN NOTICED OF, THAT CLEARLY CREATED A POTENTIAL RISK TO THE SAFETY OF THE MOTHER AND THE MINOR CHILDREN. NOT ONLY WAS THE MOTHER AMBUSHED BY THE JUDGE, SHE HAD TO SIT AND WAIT FOR HER CHILDREN TO BE REMOVED FROM HER CARE AND HER SAFETY.

SECURITY WAS CALLED TO BE INVOLVED IN THIS MATTER. AND BOTH STAFF AND SECURITY WERE INCREDIBLY DISTRAUGHT OVER JUDGE ACTIONS.