

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-210

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made improper comments 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.

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 that hyperbolic comments can present an appearance of impropriety and not inspire confidence in the judiciary. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: February 3, 2021

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 February 3, 2021.

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

FOR OFFICE USE ONLY

2020-210

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.

During a custody review hearing on _____ I informed the Honorable _____ about a welfare check I requested the _____ Department to conduct for my son who was in his mother's care in _____ on _____ I explained to the Honorable that I made this request due to a phone call _____ made to me on _____ I am unsure of why _____ contacted me, however, all I could hear was _____ arguing with the other members of her household (2-3 other adults) in front of my son. I could hear my son crying in the background. When I was able to speak to _____ she told me to mind my business and began to yell at me about my wife and then yell at my son again. The call was then disconnected. I was concerned about the safety of my child's physical and mental well being at the time, therefore I felt it was necessary for a welfare check as I was _____ away and was unable to help.

When I explained this to Judge _____ he informed me that he was _____ before he took the bench and stated " _____ " Judge _____ went on to say that unless I heard gun shots in the background, there was no reason to contact the police to check on my son. Judge _____ then went on to give me some " _____ which was the following: "

I again explained to Judge _____ that that was not the case as I have been called for those situations in the past, and I handled those on my own, however I would not be able to sleep at night not knowing that my son was in a safe environment. Judge _____ responded by saying; " _____ ". I again reiterated that I did not know that based on the phone call made to me. Judge _____ responded ""

My intent of informing the Judge of this issue was to have it on record for future references, as I am in the process of documenting a pattern of behavior with his mother. However, I feel these are inappropriate comments to make towards a parent concerned about the well being of their child. It should be known that I do not have a history of abusing the police system in any way. Additionally, I do not feel as if I overreacted by contacting the police for this matter. There was a complete disregard for my concerns, a lack of accountability towards my son's mother, and my biggest complaint; no regard to my child's safety in these statements. Judge _____ did not bother to ask the mother what was going on or insure he was safe. There are more ways to harm a child than to shoot them. These statements are completely irresponsible, and can put my son in more danger by making them, as I was told by the court of law not to contact the police to make sure he is safe. If I can not contact the police to insure his safety, who can I call? Judge _____ made the statement of " _____ ", this does not do justice as many children have been hurt while in their mother's care, and as I stated earlier, I am documenting a pattern of behavior with her. Judge _____ was not speaking in an impartial manner; he was speaking ~~from~~ ^{from} a _____ from _____ rather than a judge over seeing a custody review.

At minimum, Judge _____ should address myself, as well as my son's mother to insure that both parents are aware of their rights and responsibilities in regards to our son's safety and well being. Whether or not he has been shot, is not an appropriate measure of safety.

Thank you for your time

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