

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-229

Judge:

Complainant:

ORDER

February 24, 2021

The Complainant alleged a judge pro tem improperly failed to recuse herself, failed to control the courtroom, made improper evidentiary rulings, allowed one party to “run over” the other, and failed to allow one party to speak.

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 24, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-229

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.

To Whom It May Concern:

**JUDICIAL COMPLAINT
ATTORNEY COMPLAINT**

was appointed to be the Protem Judge on behalf of Justice of the Peace,
failed to recuse herself from the bench when the defense was represented by her former
boss, Law Office.

did not identify herself to the court. I had to call the courthouse to inquire who she was
because she did not disclose. She also did not ask to identify himself. I was refused
documentation that would identify either one of them. I had to look through photos online for photos to
identify as the defendant's attorney. I was told that if I wanted to know who they are, I
would be requires to pay the court money.

previously worked for Law Office. Both and failed to
disclose the conflict, instead stated that if this hearing didn't go in my favor that I
would scream conflict of interest. also did not disclose his relationship with

refused to allow any evidence to be submitted by the plaintiffs, AT ALL.
allowed to make the decision regarding all of the evidence. accepted all of the
evidence submitted by

was discovered to have a personal and professional relationship with Law
Office as she was formerly employed by and both work for

refused to allow me to speak and allowed to run over me. She would
not allow me to object to behavior nor would she reprimand him or correct his behavior in
the court room. allowed anger and aggression to lead to
to throwing a stack of papers at me.

An employee at Law Office informed me that and worked this case out on
a golf course before it ever hit the court room. This employee also stated that because of
position within the State Bar and his political affiliations, we never had a chance at a fair hearing in

RECORDED CONVERSATION.

allowed hearsay and would not allow me to object. I was told not to speak at all. I was even threatened with contempt.

allowed unsubstantiated and unfounded accusations to be made by
stated I got kicked out of the when in fact he was disposed
of as a result of Fraud/Falsification of Application, as disclosed by in

refused to allow and Court Documents to be entered as Evidence but
demanded that I allow to examine the documents she would not allow.

Both and work(ed) for the and the

Promoting Confidence in the Judiciary
Abuse of Position
Impartiality and Fairness
Biased, Prejudice, Harassment

Therefore, judicial information gathering can run afoul of the ethics rules if the research would "appear to a reasonable person to undermine the judge's independence, integrity, or impartiality."¹¹ Information gathering may disqualify the judge from hearing a case if it gives the judge "personal knowledge of facts that are in dispute in the proceeding."¹²

*11. R. 3.1(C).

*12. R. 2.11(A)(1) (listing such information gathering as a specific example of an occasion when "the judge's impartiality might reasonably be questioned"); cf. 28 U.S.C. § 455 (2000) ("Any justice, judge, or magistrate judge of the United States shall disqualify himself . . . [w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.").

Although it seems unlikely that appellate judges would often have reason or opportunity to research case specific facts, the possibility of disqualification might still loom if the judge somehow, through non-human sources, acquired "personal knowledge of facts that are in dispute in the proceeding."²⁰⁹

*209. R. 2.11(A)(1); see MARVELL, *supra* note 20, at 160 ("Independent investigation at the appellate level for case facts is virtually nonexistent.").

The Curious Appellate Judge: Ethical Limits on Independent Research

<https://www.lawyers.com/legal-info/research/well-recuse-me-when-a-judge-shouldnt-try-a-case.html>

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Comp Attach 1-CD
2020-229



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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.**