

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-230

Judge:

Complainant:

ORDER

February 24, 2021

The Complainant alleged a justice of the peace engaged in ex parte communications with a party, improperly failed to recuse, and failed to control an attorney.

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 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

2020-230

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

I first began to hear of the relationship between Judge _____ and _____ through bragging by the defendants that they knew the judge. It was rumored that they had cops in their pocket and another cop on text and they could get away with whatever they wanted in this community. Then I learned Exparte communications with a judge occurred prior to the _____ that unfolded this situation.

Judge _____ failed to disclose that he has a personal relationship with defendant, _____ refused to recuse himself. We discovered the personal relationship, which was denied by the city. Later the city finally admitted Court Conflict when a video emerged (on YouTube) of the non-existent relationship between _____ and _____

We were coerced into an unsupervised room with the defendant's attorney and forced to listen to how the attorney had instructed his client to commit crimes against our family.

Judge _____ also failed to control the behavior of _____ when he began attacking my physical appearance in the judge's chambers.

_____ office disclosed they had a lot of knowledge of the situation that involved the _____ but initially denied conflict of interest again, in _____. Shortly following the discovery of conflict of interests, the case was sent to _____ Court, where it was given to Judge _____, who gave it to _____ and _____ refused to disclose she was _____ (_____) prior employee. Again...CONFLICT OF INTEREST! And it started with _____. The defense attorney is _____ to the _____ and _____ is _____ to _____ sits on the _____ as a _____

Judge _____ called the hearing a " _____ " and asked who was responsible for it. It was _____ Law Office. There were not _____ present. We brought _____ witnesses. The _____ remained of the people who arrived to the circus where present for the _____

We had a restraining order modified to include firearms. We alleged a minor in possession of a firearm at _____, _____ based upon his own admissions. Judge _____ Amended the Order against _____, no one else knew the order had been amended or the reasons why, _____ was searched at the school and no gun found

Approximately we learned was allegedly tipped off that he was going to be searched at the school and hid the firearm in the possession of another student.

THE CRIMINAL ASPECT OF THIS MATTER WAS COMPLETELY TRANSFERRED OUT OF AS A RESULT OF THE CONFLICT OF INTEREST THEY INITIALLY DENIED.

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

¹¹R. 3.1(C).

¹²R. 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

²⁰⁹R. 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>

Comp Attach 1-CD

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