

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-271

Judge:

Complainant:

ORDER

December 23, 2020

The Complainant alleged a superior court commissioner was rude and aggressive in a guardianship proceeding.

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 members Barbara Brown and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 23, 2020.

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

FOR OFFICE USE ONLY

2020-271

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.

On _____ I appeared, telephonically, in front of Commissioner _____ in _____ Court in order to be granted my release as guardian of my mentally ill daughter. My husband had technical difficulties and was unable to unmute himself in order to provide testimony. At the start of the hearing, _____ attorney for _____ clearly stated there had no issue or objection to substituting the guardian. Commissioner _____ clearly did not read the file in this case as she proceeded to take testimony from me and was extremely rude and aggressive in her "questioning" of me. She called me a failure, however, never once asked me questions as to why I was requesting to be released. She permitted me a very brief moment to rebut her allegations. I was unable to provide the court with an accurate address for my daughter as she has not responded to any phone calls, emails, or text messages from either myself or my husband since approximately the end of _____. We have a private investigator, who has been working with us since _____ in efforts to find _____ and convince her to accept our help. She has chosen to live as a homeless person with her boyfriend (a convicted felon). I provided _____ as well as the court investigator with everything our private investigator provided to us; updating _____ and our attorney with each new piece of information received. _____ stated this when questioned by Commissioner _____. I did state to the Commissioner that I was not aware I needed to provide all of the updates directly to the court after she humiliated and berated me for not doing so. This is a hard enough situation, not knowing where my daughter is due to her poor decision-making, and I feel that I tried my best to keep _____ up to date, as well as the court investigator. Commissioner _____ showed no compassion and was excessive in her aggressiveness & extremely unprofessional. I have never been treated so rudely by a legal professional and I believe Commissioner _____ is uninformative as to _____

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the nuances of Court. Had Commissioner taken time to listen to the reasons my husband and I were seeking to be removed, perhaps she would have chosen her words more carefully. I am truly perplexed why she was so aggressive with me after the attorney representing my daughter had no objection to the substitution of guardian. Additionally, seemed to defend me to the Commissioner as well, yet she was still aggressive with me. This was a case that could have easily been addressed in _____ and ended positively. Instead, despite being relieved as guardian, I am traumatized by how I was treated by Commissioner

Respectfully submitted,