

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-092

Judge:

Complainant:

ORDER

September 29, 2021

The Complainant alleged a pro tem superior court judge failed to follow the law 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 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 members Barbara Brown and J. Tyrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 29, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

21-092

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.

I had a hearing scheduled for _____ VS Case _____ after just a few minutes into the hearing the petitioners council asked that we not talk about the business during the trial, but I expressed my concern that it needed to be discussed. The judge agreed with the petitioner's counsel that it did not need to be discussed. On _____ I received temp orders that indicated that the exact same pieces of equipment listed on the Motion for temporary Orders Hearing filed _____. The matter was never heard and it took _____ to get a ruling after this hearing and no discussion of this was entered into the record. I personally think that the order is a product of copy and pasting the text from the motion verbatim without any review of the record or taking my testimony into account.

Temp _____ was also issued using _____ calculation without any income verification from either side just testimony from petitioner and respondent where petitioner claimed a false amount of _____ from a previous employer. I submitted actual pay for the last _____ as evidence, but it was not entered as evidence as requested by petitioner's council because he claimed he did not have time to review the spreadsheet, but a _____ was still ordered.

I was also ordered to pay reasonable attorney fees in the order and the court states that several of my positions throughout the proceedings have been unreasonable. It specifically states that I failed to comply with _____ testing and supervised _____ but just below the order for attorney's fees reverses the order requiring _____ testing and supervised _____. So, to say that I was unreasonable and the order reversed is very contradicting. I was defending my position and shaking off false testimony from the original temporary order that was put into place around the end of _____

There are many violations of Rule 47 in this matter:

1. According to Rule 47 (c) (1) a resolution management conference or hearing on a date not later than _____ after the motion is filed. There was no good cause to extend the time frames for either the conference or the hearing and did not agree to extend.
2. According to Rule 47 (c) (2) Motions for Legal Decision-Making and _____ dates were also exceeded which kept the respondent from seeing his kids and getting a _____ plan for _____ after the petition was filed.
3. According to Rule 47 (f) (1) Meet and Confer. At least _____ before any conference or evidentiary hearing. This was never conducted.
4. According to Rule 47 (f) (2) Exchange of Exhibits, my evidence was not admitted by the court when I specifically met the time requirements.

This case has been dragging on for far too long. I can't believe a judge in this day in age could issue an order on a matter that was not heard during a session, it just leaves me with a feeling that a lot of other mistakes were made in this case.

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