

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-097

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge had a conflict of interest in handling a protective order 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.

After review, the Commission found the judge failed to disclose a potential basis for disqualification on the record. While this was improper under Rule 2.11 of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding him of his full obligations regarding disqualification under Rule 2.11.

Commission members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: November 12, 2021

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on November 12, 2021.

2021-097

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 got a letter about my court case on _____ and saw who was going to be my judge. I went to the courthouse on _____ to file for a change of judge because he has a friendship with _____.

The court paper also didn't show that an attorney would be present. On the day of my case, I still had _____ as a judge, and _____ came to represent. The judge stated the court was in session, without asking about a possible conflict of interest. It was also stated no facts or evidence were allowed to be presented in this pre hearing. _____ had a probable cause exhibit, and stated on the behalf of _____ that I showed up at his house, and pointed a firearm at _____ and his children. I tried to defend myself, but the judge said that what I was saying was considered fact and evidence, and to toss it. I told the judge I had a copy of the sheet where _____ that we were married, and the judge said he didn't have a copy, and that the order was correct. I tried showing the judge my copy, but he didn't want to see it. _____ went on to reference the court transcript about me being guilty, but when I tried using the transcript to defend myself, the judge said toss it because it was fact and evidence again.



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.

Why was " " allowed to be used when attacking me, but prohibited when I tried using it in my defence? I feel I didn't get a fair trial because of the relationship between and . At the end of the hearing, we were asked if we had any comments, and I said yes, I mentioned that I'm a with military training, and acted because I felt the situation on was justified, that I was acting in self defense. The judge tossed it out and the proceeding was over. I was made out like a monster, because I never got a chance to state that I never pointed my firearm at the children. I was doomed to fail before the hearing even took place.

Please see attached, copy of court hearing with person's involved, attorneys missing from the list. A copy from the plaintiff's order stating we are married, when we never have been. And a copy of my motion to change the judge.

In re the Matter of:	[Redacted]	[Redacted]
[Redacted]	Case No. [Redacted]	[Redacted]
Plaintiff,	[Redacted]	[Redacted]
vs	Case No. [Redacted]	[Redacted]
[Redacted]	ORDER	[Redacted]
Defendant.	[Redacted]	[Redacted]
HONORABLE [Redacted]	By: [Redacted]	

This Matter having been transferred from the [Redacted] and the Defendant having filed a request to Dismiss the Injunction Against Harassment on [Redacted]

IT IS ORDERED setting a hearing for [Redacted] in [Redacted] of this court, located at [Redacted]

To help protect against the spread of COVID-19, effective June 1, 2020, the Courts will require that all visitors use face coverings. Additionally, the Courts and its offices may require wellness screenings to include using touchless thermometers. Please do not visit the courthouse if you are ill. Contact your attorney or the Courts to reschedule your court appearance or to request a telephonic appearance.

mailed/distributed: _____
 XC: [Redacted]

THIS FORM IS CONFIDENTIAL AND IS NOT A PUBLIC RECORD.

ALL COURTS IN ARIZONA ADDRESS CITY, AZ ZIP CODE TELEPHONE NUMBER

Case No

Plaintiff's Information Sheet

Please PRINT all information on this form and on the petition *after* you have read the Plaintiff's Guide Sheet for Protective Orders.

Your name _____ Your birth date _____
 Business name _____
 (if workplace injunction) _____
 Address _____ Main phone _____ *Cell _____
 _____ *May the court text you at this or another number?
 City, State, ZIP _____
 Mailing address _____
 (if different) _____ Email _____

CONFIDENTIAL ADDRESS. Your address and contact information are confidential. Indicate any other addresses that should be kept confidential. Do **not** include confidential addresses on the petition as a copy of it will be served on the defendant.

RELATIONSHIP*

Choose the option that best describes your relationship to the defendant.

*If you are applying on behalf of another person, choose the relationship between the **other person** and the defendant.

- Married (past or present)
- Live/lived together as intimate partners
- Romantic or sexual relationship (past or present)
- Parent of child in common
- One party is pregnant by the other
- Related as parent, grandparent, child, grandchild, brother, sister (including step or in-law)
- Live/lived together but not as intimate partners
- Dating (but not romantic or sexual)
- Other:

Defendant's name _____ Telephone **I Don't Know**
 Address _____ Cell phone **I Don't Know**
 _____ Email **I Don't Know**
 City, State, ZIP _____

DEFENDANT IDENTIFIERS <small>Please provide all information to the best of your knowledge. <u>If you do not know the defendant's birth date, make your best guess.</u> If you have estimated the birth date, please check the "Estimated" box.</small>	Sex	Race	Birth date	Height	Weight
	Eye color	Hair color	<input type="checkbox"/> Actual <input checked="" type="checkbox"/> Estimated		
			Social Security #	I Don't Know	
Driver license #: State: Expiration date:					

Person Filing: _____
Address: _____
Phone: _____
Representing: _____
Atlas Number: _____

**SUPERIOR COURT OF ARIZONA
COUNTY OF**

Name of Petitioner

Case No: _____

NOTICE OF CHANGE OF JUDGE

Name of Respondent

Presently assigned to the
Honorable _____

_____, pursuant to Ariz. R. Civ. P. 42.1, hereby exercises the right to a change of judge in this matter. The name of the Judge to whom this matter is presently assigned and who is to be changed by virtue of this Notice is the Honorable _____.

RESPECTFULLY SUBMITTED this _____ day of _____, 20_____.

Signature: _____

Original filed with court on this date
_____ with Clerk of Court.
A copy has been or will be
 mailed emailed hand-delivered
on _____ to:
Name _____
Address _____

*Please see
attached page 7*

I respectfully request for a change of judge, on the grounds of conflict of interest. The judge knows the plaintiff on a personal level, and I feel the ruling may be biased.

**THE COMMISSION'S POLICY IS
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.**