

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-099

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Judge:

Complainant:

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**ORDER**

January 25, 2022

The Complainant alleged a superior court judge engaged in improper ex parte communications and did not afford her an opportunity to be heard 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 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).

Copies of this order were distributed to all appropriate persons on January 25, 2022.

To: County Superior Court

From:

Date:

### COMPLAINT REGARDING JUDGE

My name is \_\_\_\_\_ and I have been a litigant in the Superior Court for County, Arizona. I am submitting a complaint concerning the unprofessional and unethical behavior of Judge \_\_\_\_\_.

On \_\_\_\_\_, I filed a petition to modify legal decision making, parenting time and child support for my \_\_\_\_\_. My case was assigned to the Honorable \_\_\_\_\_ of the Superior Court for \_\_\_\_\_ County in \_\_\_\_\_ Arizona. My son's Father and I had a resolution management conference and three status update conferences before Judge \_\_\_\_\_ via the Court's video conferencing system (the Court changed it's provider from Court Connect to Microsoft Teams for this hearing).

On \_\_\_\_\_, a status update video conference was scheduled for \_\_\_\_\_. I was well prepared for the conference. I have attended all the hearings in this matter via Court Connect without problems and did not anticipate any problems using Microsoft Teams for this hearing, which is why I logged in early. AT \_\_\_\_\_ I used the link (provided to me via the Court's email) to join the Court's video conference. My iPad screen showed that I was connected to the Court, waiting in "the lobby" and indicated "someone would let me in soon." I have seen this message before and waited to be "let in." At \_\_\_\_\_, my screen still showed "someone would let me in soon." I thought maybe the Court was just running late and would start any minute. I continued to wait in "the lobby."

By \_\_\_\_\_, I was still in "the lobby" and became very concerned and nervous. I called the telephone number provided to join the hearing (which the Court discouraged using vs. video) and was then connected to the conference. It was now \_\_\_\_\_. Immediately I realized that the hearing had started at \_\_\_\_\_ as scheduled and had been in progress for almost ten minutes while I waited in "the lobby."

Upon joining the conference, I heard Judge \_\_\_\_\_ and Father discussing our case and Judge \_\_\_\_\_ had apparently set a trial date during those first few minutes. I was then sworn in and Judge \_\_\_\_\_ informed me he had set a trial date. I asked Judge \_\_\_\_\_ if he had read my response to Father's financial affidavit that I filed on \_\_\_\_\_. He said he had not read it yet.

At this point, my iPad was still connected to "the lobby" with the message: "someone will let you in soon."

Shortly thereafter, I received by mail Judge [REDACTED]  
It states in part:

Minute Entry dated [REDACTED]

" [REDACTED] "  
It also stated, "

." (Exhibit 1)

On [REDACTED], I sent an email to [REDACTED], Judge [REDACTED] secretary asking if there is a record to show at what time I connected to the [REDACTED] hearing and that I was waiting in the lobby. I explained that this case is very important to me and I did not want to appear disrespectful to the Court or that I didn't care enough to be on time for the hearing. I also asked if I could purchase a copy of the hearing video. I did not receive a response from [REDACTED] (Exhibit 2)

On [REDACTED] I sent a follow-up email to [REDACTED] with a copy of my previous email. I received an automatic response stating Judge [REDACTED] and his staff were out of the office until [REDACTED]. I received no response to either email from [REDACTED]. (Exhibit 3)

I decided to order a copy of the video conference in digital format (DVD) from the Court to see what I missed in the first several minutes of the hearing on [REDACTED]. I was shocked and outraged to see the video with Judge [REDACTED] speaking to Father and **all the while a big blue notice is on the screen stating, "** [REDACTED] **."** The notice was on the screen the entire time that Judge [REDACTED] was talking to Father-- when the hearing began at [REDACTED] (Exhibit 4) I believe, and it is apparent from the video recording, that Judge [REDACTED] was completely aware that I was waiting in the lobby and chose not to admit me into the hearing. I participated by phone until the last few minutes of the hearing when I again tried to access via Microsoft Teams (from my iPad) and was finally connected or "let in" to the hearing.

The decisions made by a Superior Court Judge have an enormous impact on the lives of the children and adults in each case. Each person should be treated fairly and given equal opportunity to present their position in a court of law. My experience was frustrating and I felt disrespected when the Court did not connect me to the hearing via video when I was on their screen the entire time.

I respectfully request that this complaint be investigated and resolved so that current and future parties (or anyone involved with the justice system) can know they will be treated fairly, impartially and with respect. Thank you.

s/

# **Exhibit 1**

SUPERIOR COURT OF ARIZONA  
COUNTY

CLERK OF THE COURT

HONORABLE

IN RE THE MATTER OF

AND

JUDGE

MINUTE ENTRY

Courtroom

This is the time set for a Status Conference regarding Petitioner's Petition to Modify Legal Decision-Making, Parenting Time and Child Support, filed  
Petitioner/Mother, is neither present nor represented by counsel.  
Respondent/Father, is present on his own behalf. All parties appear via  
Court Connect.

A record of the proceedings is made digitally in lieu of a court reporter.

**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.**