

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-103

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Judge:

Complainant:

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**ORDER**

September 29, 2021

The Complainant alleged a superior court commissioner lacked an appropriate basis to issue a protective order.

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**

**21-103**

**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.

Please see attached statement.

When a Judge signs an Order without the basis for it, it gives allegation(s) a degree of legitimacy. The plaintiff is reinforced when his / her misrepresentation is accepted by the Courts.

The outsider, (neutral party) feels something must have occurred or the Judge never would have signed the Order.

The reviewing Judge may be hesitant to disagree with the Judge's decision, which could cause internal office conflicts.

The order issued is titled " . I have never been employed, nor have I received any form of compensation from the petitioner, the corporation, or any of the individuals referenced in this order as "

On separate occasions the petitioner makes reference to A.R.S. 12-1812 (5)(2). This section of statute does not exist. The majority of times this section was referenced, the verbiage following the section changed. This was not simply a cut / paste error. It's an indication to me, to believe the Judge never read the allegations and just signed it.

The petitioner for this order included the names other individuals as " . None of these individuals provided statements or affidavits to the Court. Nothing is even mentioned in the petition as why these individuals warranted inclusion in the order. Including these names was carefully crafted to interfere with the defendant's preparation of an appeal. These individuals were witnesses to a possible " ' nothing more. The petitioner was permitted to make a broad inclusion of " ', all of which could have sought protection from Law Enforcement or the Courts themselves. All of these points should have been read flags to the Judge reading the petition.

The petitioner for this order was alleging and on the part of the defendant. Yet the petition contains nothing directly associated with these types of behavior. Sworn statements / affidavits should be required by the Courts and then if facts show at a date, if and were presented to the Courts, perjury charges could be pursued.

The allegation in the petition reads: "

What does this have to do with the alleged or This order was requested on , the petitioner of this order is referencing an incident that took place earlier, from What does this have to do with

or ? Clearly any Judge that reads this would say, this may warrant a civil lawsuit, but it doesn't warrant a protection order.

The petitioner for this order was wrote " ' . ? Is now a criminal offence or a basis for a Order. The petitioner should have provided an example of the alleged

The petitioner of this order was permitted to include the name of another individual with an issued by another Court. This has nothing to do with the issuance of this order. The only purpose of this was to place the defendant in bad light.

Throughout the petition for the order, the petitioner continually refers to defendant not being a member of the shareholder or resident or on the board? Again, what relevance does this have to the issuance of a order?

The petitioner repeatedly refers to the repair of a , what does this have to do with the issuance of a Order?

The petitioner includes the names of and . Yet no statements or affidavits were provided from any of these individuals. Nor did the petitioner nor the Judge, feel they should have been included as "

The preceding is not an appeal of the order. The order has been appealed and quashed by another Judge. The reason for this submittal is I don't feel there was ever a basis established for the issuance of the Order.

Judge may have saved a few minutes of time by not reading the petition or not addressing the matters contained in the petition, if read. But her signature on the Order created a lot of work for other Court personnel. Judge alone spent of valuable Court time, hearing testimony about this order. Individuals that knowingly waste the Courts valuable time should be held accountable.

FILED

CLERK, COURT

BY:

COUNTY COURT

Case No. [ ]

Court ORI No. [ ]

Amended

County [ ] State [ ]

PLAINTIFF EMPLOYER

[ ]

AUTHORIZED AGENT

[ ]

And on behalf of any minor family member or Protected Person listed below. (List name and DOB).

V.

DEFENDANT

[ ]

Full Name

Defendant/Plaintiff Relationship:

Other(None. Defendant is a former )

Defendant's Address:

CAUTION:  Weapon Alleged in Petition

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	<i>Arizona Prohibits Release of Social Security Numbers</i>		
XXX	XXX			
DRIVER LICENSE #		STATE	EXP DATE	

Estimated Date of Birth

**WARNINGS TO DEFENDANT:** This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, or any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. § 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. § 2262). Because of this order, it may be unlawful for you to possess or purchase a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) or state, tribal, territorial, or local law. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. **Only the court, in writing, can change this order.**

**This order is effective for one year from date of service.**

[ ]

**THE COURT HEREBY FINDS THAT:**

It has jurisdiction over the parties and the subject matter.

Defendant received actual notice of this hearing and had an opportunity to participate

**THE COURT**, finding reasonable evidence of workplace harassment or that great or irreparable harm would result if this injunction is not granted before Defendant can be heard in opposition, and there are specific facts attesting to the efforts to give notice to Defendant or there are reasons why notice should not be given,

**HEREBY ORDERS:**

**NO CONTACT.** Defendant shall have no contact with **Plaintiff Employer** or other person while that person is on or at employer's property or place of business or is performing official work duties, except through attorneys, legal process, court hearings, and as checked:  Phone  Email/Fax  Mail  Other:

**NO CONTACT** Defendant shall have no contact with any **Protected Person** except through attorneys, legal process, court hearings and as checked:  Phone  Email/Fax  Mail  Other:

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**THE COURT FURTHER ORDERS:**

**PROTECTED LOCATIONS.** Defendant shall not go to or near Plaintiff's or Protected Person's:

**OTHER ORDERS:**

Defendant shall not come within \_\_\_\_\_ of Plaintiff, any Protected Locations, and Protected Person(s).  
Defendant shall not contact any employees, board members, or contractors working for or on properties.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer

\_\_\_\_\_  
Printed Name

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**WARNING:** This is an official court order. If you disobey this order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

**NOTICE:** If you disagree with this injunction, you have the right to request a hearing which will be held within 10 business days after your written request has been filed in the court that issued this injunction. Violations of this injunction should be reported to a law enforcement agency, not the court.

**ADDITIONAL WARNINGS TO DEFENDANT:** Nothing the plaintiff does can stop, change, or undo this injunction without the court's written approval. You must appear in court to ask a judge to change (modify) or dismiss (quash) this injunction.

**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.**