

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-152

Judge:

Complainant:

ORDER

October 22, 2021

The Complainant alleged that a superior court judge incorrectly ruled on a motion, and was improperly assigned to a contested order of protection hearing.

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 member Christopher W. Ames did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 22, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-152

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.

*See ATTACHED 28 page complaint
AND USB FLASH DRIVE*

Complaint against _____ and Judge _____

Complaint against _____ County _____ Court Judges
and _____

Dear Members of the Commission on Judicial Conduct:

As required by Rule 8.3(B) of the Arizona Rules of Professional Conduct,

_____, submits the following complaint regarding Judge
_____ and Judge _____ of the _____ County _____ Court.

Judge _____ and her staff have demonstrated a pattern of unprofessional,
biased, and unethical conduct over the course of proceedings involving the matters

_____, _____ and _____ Judges

_____ has engaged in conduct that is prejudicial to the administration of
justice under the Arizona Rules of Professional Conduct Rule 8.4(d).

Judge _____ and his staff have demonstrated a history of inappropriate actions
in the matter _____. His conduct is prejudicial in the administration of
justice under the Arizona Rules of Professional Conduct Rule 8.4(d).

RULES OF THE COMMISSION ON JUDICIAL CONDUCT

An independent, fair, and competent judiciary being one of the cornerstones of our legal system, judges must respect and honor their judicial office as a public trust.

“ ’ is the equivalent of probable cause and means a reasonable ground for belief in the existence of facts warranting the filing of formal charges.

The purpose of the judicial discipline and incapacity system is to protect the public and to maintain high standards for the judiciary and the administration of justice. Any disciplinary remedy or sanction imposed shall be sufficient to restore and maintain the dignity and honor of the position and to protect the public by assuring that the judge will refrain from similar acts of misconduct in the future

(Rule 6) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or a violation of the code.

Arizona Code of Judicial Conduct

An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of

integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

‘ ’ includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge’s independence, integrity, or impartiality

Arizona Statutes

ARS 13-3620A

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer,

13-3620.01. False reports; violation; classification

A. A person acting with malice who knowingly and intentionally makes a false report of child abuse or neglect or a person acting with malice who coerces another person to make a false report of child abuse or neglect is guilty of a class 1 misdemeanor.

B. A person who knowingly and intentionally makes a false report that a person has violated the provisions of subsection A of this section is guilty of a class 1 misdemeanor.

Protective Orders Statutes

ARS 13-3602C

C. The petition shall state the:

1. Name of the plaintiff. The plaintiff's address and contact information shall be disclosed to the court for purposes of service and notification. The address and contact information shall not be listed on the petition. Whether or not the court issues an order of protection, the plaintiff's address and contact information shall be maintained in a separate document or automated database and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.

13-2907.02. False reporting of child abuse or neglect; classification

A person who knowingly and intentionally makes a false report of child abuse or

**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.**