

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-243

Judge:

Complainant:

ORDER

January 12, 2022

The Complainant alleged that a superior court judge was biased against them.

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 Christopher W. Ames, Barbara Brown, Joseph C. Kreamer, and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 12, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-243

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 the letter attached.

Judge ():

All right. We are on the record in plaintiff versus This is the time. Well, it's not the time set. This is an conference, uh, that the court on its own motion has set, uh, related, given a number of recent motions that were filed concerning a deposition of a prior for or of the defendants. Uh, and, uh, so I need to know who, who am I speaking with?

Plaintiff ():
for the Plaintiff your honor.

():
your honor, this is for defendant

Judge ():
All right. And, uh, this is to the plaintiff. You prefer to be addressed as I'm sorry, I didn't catch that. Um, I, I refer to people as either Or or something else. Um, is it appropriate to refer to you as ?

Plaintiff ():
I prefer Plaintiff your honor.

Judge ():
Okay. It's less personal, but if that's how you would like it, that's fine. All right. Um, court has reviewed defendant's motion to vacate deposition of and motion order. Uh, just for housekeeping purposes that was filed on . I've also reviewed all the associated briefing on that court is also reviewed, uh, the plaintiff's response to defendant's motion, to of that was filed And, uh, there's a response that's been filed. I've considered that, uh, further the court has considered plaintiff's first amended motion to disqualify filed and all associated briefing. Um, first of all, tell me, is, is there a deposition there? I take it, there is no deposition going on at the moment,

():
Correct? Your honor, the point.

Judge ():
Good. And I think I need to know who's speaking, please.

():
I'll defer to plaintiff, your honor. Go ahead. This is the place you're drawn to in order to allow the court to make a ruling on the issue. Uh, we can see you. I continue the deposition of Under

Judge ():

Okay, thank you. Um, I'm going to grant the motion to quash the [redacted] . uh, and I'm going to grant the motion for [redacted] order. Uh, although it was related to the [redacted] that I noticed deposition, uh, the analysis is the same and the bottom line is, uh, plaintiff has no business, uh, taking that deposition, uh, on, on the record before me. Um, and so, um, I think the less said the better in that regard. So, uh, the defendant, or, excuse me, plaintiff may not take the deposition of [redacted] . uh, absent further order of the court. Uh, I will also [inaudible] address the motion to disqualify, uh, and again, uh, to the plaintiff, it is the court's position that it has been. Um, well, let me say it this way. I'm not sure I've ever seen a motion with [redacted] in it than this. The motion is denied.

Judge [redacted] ([redacted]) :

The court will consider or will entertain, uh, an application, any application for fees and costs, uh, or other sanctions in connection with any of these motions that I've addressed today. Uh, there's a motion to amend the complaint. I'm not addressing that today because it's not fully briefed. There's a motion to dismiss. I am also not addressing that today. Uh, I am I called this, I called you together simply because I've been in a very contentious trial this week and, uh, this series of motions, and there was also a motion to, uh, and I didn't specify as, and I didn't bring it in with me, but, uh, defendant's counsel filed a motion to, uh, for expedited treatment of their motions on these things. So for housekeeping purposes, I granted that motion and set this [redacted] conference. Um, so there are other pending motions. I'm not ruling on them. Um, is there anything else we need to address for today?

Plaintiff ([redacted]) :

I apologize, your honor, for the meritless motion. I thought that they had merit so I apologize.

Judge [redacted] ([redacted]) :

anything else for today?

[redacted] ([redacted]) :

Nothing from the defense, your honor. Thank you.

Judge [redacted] ([redacted]) :

All right. Uh, thank you, uh, with that, uh, we are adjourned in this matter. Thank you. Okay.

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

Re: Letter in Support of Complaint Submitted by
Judge

Against

Dear Arizona Commission on Judicial Conduct,

We write in support of _____ complaint against Judge _____
urging this body to take appropriate action to address Judge _____
conduct and to protect the public.

Arizona Background

Arizona () is a statewide group of everyday Arizonians mobilizing to promote awareness of and access to our judicial system. We believe that bias, prejudice, and misconduct (of any kind) by any legal professional, legal staff, or legal public official is a roadblock to accessing our judicial system and obtaining a fair and just trial. We are not attorneys. Therefore, we do not represent individuals in any legal capacity or provide legal advice.

However, we are community advocates helping connect Arizonians to resources and platforms for support when they believe they have been harmed by a member of the legal community.

Judge Background

Judge _____ obtained his _____ from the _____
of _____ in _____. He is/was a member of the _____ Continuing
_____. Between _____ to _____ Judge _____ appears to have
practiced _____ in the State of Arizona. Therefore, he is presumably licensed to
practice law in the State of Arizona.

Lastly, Judge [redacted] was duly elected as a [redacted] County [redacted] Court judge in [redacted] by [redacted] votes from Arizonians. Therefore, Judge [redacted] is a public official.

Layperson Impressions on Complaint

[redacted] story is one of the reasons why we mobilize to connect Arizonians to resources to tell their stories. Specifically, the alleged bias against [redacted] a [redacted] on the basis of her [redacted] and/or [redacted] is concerning as [redacted] people are disproportionately affected by this type of conduct as many are disfranchised in our society.

Even more concerning is the possibility that Judge [redacted] ruled on a motion without reading the pleadings or reading the pleadings in a careless manner, which *may* have resulted in depriving [redacted] of due process or substantive rights such as her right to a fair and impartial trial.

In either scenario, Judge [redacted] conduct demands closer review, especially since he has a history of this type of conduct.

Judge [redacted] Historical Conduct

Previously, Judge [redacted] has ruled on motions without proper preparation. In fear of retaliation, a [redacted] here in Phoenix notes, "[redacted] This [redacted] clarifies his or her decision for making this recommendation noting that Judge [redacted] ' and "

"1

This temperament appears counter to the preservation of justice and ensuring that parties obtain a fair and impartial trial. Rather, a consequence is that a person is deprived of that right and/or is harmed [redacted] by decisions based on bias and prejudice of a judge. In this [redacted] case, the party had to appeal Judge [redacted] decision. The case was remanded, and finally Judge [redacted] recused himself. The party in that case, conceivably, had to suffer [redacted] and [redacted] in the hands of a judge who becomes one sided if his decision making is questioned. This type of conduct creates a real risk to the public, one that should not exist, but can threaten or destroy someone's likelihood.

Like in the [redacted] case, [redacted] has been harmed by Judge [redacted] conduct. From her story, we gathered [redacted] was forced to dismiss her case with prejudice fearing that Judge [redacted] would continue to retaliate against

**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.**