

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-348

Judge:

Complainant:

ORDER

The Complainant alleged that a superior court commissioner did not properly recuse from presiding over a family law case in which both parties felt uncomfortable with her hearing the case.

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 Commission approved sending the judge an advisory letter reminding the judge of her obligations under Rule 2.11 of the Code. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission member Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: August 12, 2022

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-348

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 statement)

Commission on Judicial Conduct

My wife's and my divorce trial is set in _____ My wife's lawyer is _____
and my lawyer is _____ Judge _____ is the judge on our case.
wife is divorcing him and Judge _____ is the judge on his case; his case has been
going for _____ years and is very contested. I went to court and looked at the court file on his
case and it is huge - many, many volumes.

In my case, my wife's lawyer filed a Motion to Recuse Judge _____ because she is the judge
on _____ case and she felt uncomfortable with Judge _____ When _____ got
the Motion he discussed it and his divorce with me and I agreed, I did not want her on the
case either for a lot of reasons. _____ then filed a Response to the Motion. Judge
ruled against both lawyers saying she could be impartial. I am attaching a copy of the
Motion and Response and the judge's ruling.

My lawyer didn't want to do anything about the judge's order because he hoped we could
settle the case and not go to trial. So, both lawyers worked hard to try to settle the case so
we would not have to go to trial but we have been unable to settle. Now trial is in _____
months. I was adamant then and I still am about not wanting Judge _____ on the case.
With her, not only is my wife's lawyer uncomfortable, but so is my lawyer - in fact he has
told me so and I am concerned he may not do everything necessary to represent me out of
fear of making the judge angry and her taking it out on him in his divorce. I have read part
of his divorce file and have seen that the judge has made some harsh rulings against him
and made him pay some of his wife's lawyers fees. I can understand why he will be on pins
and needles and feel like his hands are tied in my trial, and I think it is unfair not only to
_____ out to me, and even to my wife and her lawyer. Even though the judge says she
can be impartial I don't know if I'm going to get a fair trial.

I am aware that judges must promote the public's confidence and avoid the appearance of
impropriety. I do not know how Judge _____ keeping my case does either. There is no
reason why my case couldn't and shouldn't be assigned to another judge. We have not had
any contested hearings and it is not complicated. I suppose I could find another lawyer to
represent me, but I shouldn't have to.

Thank you.

COPY

RECEIVED
By

Attorney for Petitioner

IN THE SUPERIOR COURT OF COUNTY
IN AND FOR THE STATE OF ARIZONA

IN RE THE MARRIAGE OF:

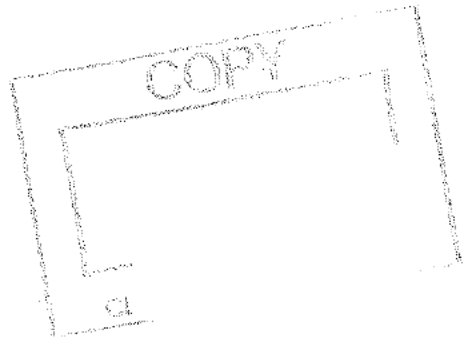
Petitioner,
and
Respondent.

) CASE NO.
)
) MOTION TO RECUSE
) JUDGE AND
) VACATE ALL DATES
)
)
) Assigned to: Hon.

COMES NOW attorney for Petitioner and hereby requests the
Honorable Judge to recuse herself. The reason for the request is that Judge
is the assigned Judge in case. This matter is a dissolution of marriage in which
opposing counsel is a party. Counsel undersigned is not alleging bias in this matter.
However, it is an uncomfortable situation for all parties. Upon information and belief
opposing counsel does not object. Petitioner requests that all pending dates be vacated and
reset by the reassigned Judge, should this Motion be granted.

Dated:

Esq.
Attorney for Petitioner



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

ARIZONA SUPERIOR COURT
COUNTY

In re the Marriage of:)
)
 Petitioner,)
)
 and)
)
 Respondent.)

NO.

RESPONSE TO MOTION TO RECUSE

[Assigned to: Judge

Respondent, through his counsel, has no objection to Petitioner's Motion to Recuse. With candor to opposing counsel and the parties in this case, undersigned disclosed his and the court's association in Case No _____ It is an uncomfortable situation for all and undersigned defers to the parties' and opposing counsel's request.

DATED:

By _____
Respondent's Attorney

Copy hereof emailed this date to:

Petitioner's Attorney

ARIZONA SUPERIOR COURT, COUNTY

HON.

CASE NO.

DATE:

Petitioner

and

Respondent

ORDER

IN CHAMBERS ORDER DENYING PETITIONER'S MOTION TO RECUSE

The Court has received and reviewed Petitioner's Motion to Recuse Judge and Vacate All Dates. Counsel for Petitioner acknowledges there is no legal basis for the Motion. The Court further finds that the Court can serve as an impartial judicial officer in this matter. Therefore,

IT IS ORDERED that the Motion is **DENIED**.

IT IS FURTHER ORDERED affirming all currently scheduled hearing dates and deadlines.

Jsl

HON.

cc: Hon.

Esq.

Esq.

Judicial Administrative Assistant