

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-018

Judge:

Complainant:

ORDER

July 21, 2022

The Complainant alleged a superior court judge demonstrated bias against him by accepting a motion from the opposing party's attorney that contained a smiley face next to the certificate of service signature.

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).

Commission member J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 21, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022-018****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.

I'm sure Hon. _____ is a very trustworthy man, but, he's also a human, charged with executing our law in a fair manner, I believe fair in this circumstance, something like lady justice, whom does hold the scales, but, and critically, wears a blind fold. That blind fold is there to remove bias as much as possible and to treat without any prejudice.

I believe that accepting what should be legal documents, and were legal, before the emotional and needless, and completely inappropriate drawing, I would at this point consider it passing notes.

I believe that Judge _____ has failed to remove needless bias from my hearing by accepting documents with a smiley face drawn on it.

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I believe that my children deserve a fair unbiased hearing, they have not gotten this in this town yet.

I am doing my part to see that they may get that here someday.

I believe our legal system deserves more respect than a Hooters napkin.

If you can't see the forest for the trees, I'll ask my fellow citizens and tax payers if this is acceptable with them. Perhaps my expectations are unreasonable. That's for you to decide.

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9 **IN THE** **COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF**
11

12 In re: the Marriage of:

) CAUSE NO:

) *Assigned to*

)

)

14 Petitioner,)

**RESPONSE TO MOTION FOR SECOND
HEARING FOLLOWING FAILURE TO
APPEAR**

15 -and-

)

)

)

17 Respondent.)

18 COMES NOW the Petitioner, by and through undersigned counsel and in response to the request
19 for a second hearing on Petitioner's Temporary Order Without Notice, filed by Respondent on
20 and submits the following memorandum:

21 Petitioner cannot agree to the request. Respondent states that he missed the hearing set for
22 because he "believed" it to be set for instead of
23 There was and is no objectively reasonable cause for this belief. The materials with which Respondent
24 was served clearly indicated the correct time of the hearing. Respondent's failure to appear is further
25 evidence of the issues which caused the issuance of the order itself.

1 Respondent has not suggested that he has any information or material which would have made
2 the outcome of the hearing different, or that he was denied due process in any manner.

3 Petitioner appreciates the apologetic tone of the motion and Respondent's acknowledgment of
4 his own fault in his failure to appear. However, she notes that Respondent is equally likely to respond
5 with accusatory, threatening, and/or passive aggressive communications, as he has done with both
6 Petitioner and undersigned counsel while this case has been pending.

7 THEREFORE, Petitioner respectfully that the Court deny Respondent's request for a second
8 hearing following his failure to appear on

9 RESPECTFULLY SUBMITTED this
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