

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-159

Judge:

Complainant:

ORDER

December 14, 2022

The Complainant alleged a city court judge improperly denied a request to record a 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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 14, 2022.

Official Complaint

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

Complaint Details:

Judge:

Court:

Complainant:

Case Number:

Date of Incident:

Statement of Facts:

-Please see attached audio file A as further proof of Summary of Facts.-

In the above captioned case, Judge _____ abused her judicial discretion and abandoned her judicial role. _____ displayed prejudice against myself

_____) and violated my right and Rule 122.1 (h) to audio record my court hearing by threatening to confiscate my phone and hold me in contempt in violation of the 4th and 1st Amendment to the Constitution of The United States. Rule 122.1 (h) clearly states that I only need to notify the Judge or a member of her counsel prior to starting audio recording, and that's exactly what I did, but was threatened and felt compelled to comply against my will.

Ariz. R. Sup. Ct. 122 Rule 122 - Use of Recording Devices in a Courtroom

(h) Personal audio recorders; required notice to the court. A person may use a personal audio recorder during a proceeding, but the person must notify the judge or the judge's staff prior to using the device. A person who uses a personal audio recorder is not required to submit a request under paragraph (c) of this rule, but a person who wishes to record or broadcast the audio portion of a proceeding with a device that is not on the person must do so. The use of a personal audio recorder must not be obtrusive, distracting, or otherwise prohibited, and use is subject to the prohibitions of paragraph (k) of this rule.

I would also question Judge _____ behavior and treatment of me in open court under ***RULE 2.8. Decorum, Demeanor, and Communication with Jurors:***

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

I felt extremely disrespected and rushed and Judge showed zero patience with me and constantly spoke over me showcasing a major lack of decorum and dignity befitting a judge. Judge refused to hear the rules as I was trying to state them to her and kept speaking over me. She also refused to look at the printed out rules of the court that I had in my possession.

Witnesses:

(Court Attendant)
(Court Attendant)
(Clerk of the Court)
(Prosecutor)

