

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-223

Judge:

Complainants:

ORDER

November 23, 2022

The Complainants alleged a superior court judge pro tem was biased and did not make appropriate accommodations for a legally deaf litigant.

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 Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 23, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022-223****COMPLAINT AGAINST A JUDGE**

Your name: _____ Judge's name: _____ Date: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

We feel that this Judge is biased towards us. We feel this due to the fact that he has been giving the defendants, whom are representing themselves, subtle hints of advise. He has mentioned to them that he had not received any paperwork for dismissal of one of the defendants. That seems to be giving advise. Also and the main reason is because I am legally deaf. He has been told this from day one. He feels I am being hostile because I cannot hear what's going on and has not stop these proceedings to accomodate me. I understand things had to change due to Covid, however, when we had our last court date we were told we could be on zoom or in the court. My wife and I decided to be present due to the fact that I could not understand what was going on the last time we met. The defendants however, did not show up they were on zoom so therefore I could not understand what was going on. I have been through the court system before and the judge has stopped all proceedings to accomodate me with a C.A.R.T. system. Judge did not know what a C.A.R.T. system was. It is not my wifes responsibility to try to listen and explain what everyone is saying. When we began our attorney told Judge many times that I was deaf and needed a C.A.R.T. system. I feel Judge ignored this. Judge asked our attorney if it was ok with him to speak with me. He told him it was ok. Judge proceeded to talk to me as if I could understand what he was saying. I told him I could not understand him unless I read his lips because I read lips. He asked my wife and I to move to the right table where I could read his lips. Trying to get my point across to him made him think that I was being hostile when all I was trying to do was answer his questions and give him a back ground of our side. He kept cutting me off stating I was stating facts that he did not want to hear. I am not hostile, I speak loud because of my hearing loss. I have reports from the doctors that I have gone to to prove this fact if needed. Lastly, Judge has told me twice that I could speak with my attorney after the proceedings when I requested before adjurning, to speak with my attorney because I could not understand what was going on. We have requested the transcripts for these proceedings and once received we will be sending a copy along with this complaint.

We will be sending all information upon recd.