

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-237

Judge:

Complainant:

ORDER

September 28, 2022

The Complainant alleged a superior court commissioner improperly dismissed a petition for order of protection.

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 Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 28, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022-237****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 am filing this complaint against Honorable _____ and allege she violated Rule "2.3: Bias, Prejudice, and Harassment" from the American Bar Association. This was during the second trial scheduled in regard to an order of protection in which I was the plaintiff scheduled for in which I was approximately _____ for.

To the credit of Honorable _____, she could have dismissed the order of protection due to my tardiness. I had overslept and by no means intended on disrespecting the court or Honorable _____ time; however, she was clearly and understandably upset. Also, to the Commissioners credit, she did allow me time to present some exhibits as the burden of proof was my responsibility as the plaintiff.

Ultimately, Commissioner _____ found me not to be a credible and reported that she was highly concerned about my _____. There were no exhibits where stated I was going to _____. When I asked the Commissioner where I allegedly made _____ she was unable to provide me with a reasonable response and dismissed the order of protection. Once the Commissioner _____ went into her chambers, the defendant told me now that the order had been dropped, he was open to texting in which I responded _____.

As a result of Honorable _____ dismissing the order of protection, the defendant showed up at my school in a matter of hours, on the same day of the dismissal and entered the campus under false pretenses. He asked the front desk personnel where the bathroom was and was directed down the hall. The defendant and his cousin walked around the school until they found the classroom I was in, attending class and stood outside motioning for me to come out of the classroom. Another classmate closed the door and told him and his cousin to leave. While the door was closed, he continued to stare at me and intimidate me through the glass window. I had to leave class early and was escorted out to my car by two other students who remained there until I left and ensured I was not followed. While leaving the defendant asked me if I was ready to talk to him. I filed a police report for stalking and harassing _____ and had to have another order of protection filed against the defendant which was approved. The Case number is _____ and order of protection number is _____.

My professor for that class told the front desk to call the police if this individual shows up again, and the dean of my program has filed a formal incident report with the dean of _____ to ensure my safety. It is my belief that the Commissioner _____ was not impartial in this matter and was bias in her decision to dismiss the order of protection. As a result, I my physical safety is now at risk. Due to her negligence, and what appeared to be clear bias my safety is again threatened by this individual with no legal protection, until the new order of protection is served.

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COMPLAINT AGAINST A JUDGE

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Additionally, the _____ contacted my _____ supervisor _____ and sent him an email making false allegations. This individual has been relentlessly harrasing and stalking me since the _____ Commissioner found me not to be a credible and dismissed the order. My _____ supervisor has made security aware of the new order of protection put in place and has given a copy of this to security along with _____ photograph. They are aware the order has not been served and have been advised to call the police immediately if he shows up, as that location is listed on my new order of protection. My friends, family, professors, coworkers and myself are highly concerned for my safety at this point. My professors have advised me to attend classes via zoom over the next couple weeks at my _____ where there is security. This is an extreme accomadation as the accreditation of our program requires students to attend class in person.

In conclusion, I do not believe the commissioner was not impartial in her decision. I believe she was biased and allowed her personal aggravation with my tardiness and bias towards mental health to impact her ruling in this matter. Furthermore, an individual in an extreme metal state while in a domestic violence situation is common and supported by empirical, evidence-based and peer-reviewed research. I do not know Commissione _____ outside of this matter and by all intents and purposes is likely a fair and impartial judge; however I do not believe that was the case for me and I have suffered extreme consequences due to this.

I do understand this complaint does not serve to reverse her decision.