

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-283

Judge:

Complainant:

ORDER

December 14, 2022

The Complainant alleged bias and improper rulings by a superior court judge hearing a family court 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 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.

I'm writing in reference to case _____ held on _____ by
 Commissioner _____. The purpose of this complaint is not an attempt to overturn
 or argue the points of the ruling no matter how unjust they may be. The purpose of this
 complaint is to call attention to the behavior and conduct of the _____ Court
 Commissioner _____. I have appealed his ruling and will be making legal
 arguments in the appeal case towards his wrongful conviction. This complaint is of
 personal reference into the violation of the judicial code and complete violation of due
 process rights that were not upheld during my trial with Commissioner _____

Back Ground :

When I first was served with an _____ by my ex spouse I was in
 complete confusion as to how and why this could make it through to being an official
 court order. Someone could make up an extensive list of lies, false accusations and
 manipulate the court to believe them enough to actually act on accusations while
 providing no evidence to prove such claims ever exist. This order of protection
 manipulation caused me to seek legal counsel not only to prove these accusations false
 by substantial evidence, but to make sure that lies are not allowed to be molded into
 orders that have great effect on people's lives. I hired _____ of
 _____ to defend me and when he heard of the judge we had been assigned he
 stated, "we got a bad judge, he makes his mind up quickly and doesn't care about much
 after that". I acknowledged his opinion, but still believed in the legal system enough to
 know that laws are put in place in order to defend the justice of the people. I greatly
 looked forward to court as a time to finally address the lying and manipulation of my
 accuser. I was unfortunately proven incredibly wrong by the trial circumstances,
 conduct, behavior and bias of Commissioner _____.

Case Trial:

The conduct from Commissioner _____ at the start of the trial was
 unprofessional in his genuine value of his timeline over the actual case information and
 proceedings. I witnessed his constant reference to his timeline over justice approach
 which lead to an absolute kangaroo court trial and the complete violation of defendants
 due process rights. The time to present the case was completely lopsided and left to
 greatly favor the plaintiff with her lawyers filibuster approach to the trial. Commissioner
 _____ completely failed to control equal time for each party even after stating twice that
 both parties have equal time to present their cases. During the plaintiffs testimony
 Commissioner _____ patiently listened to her statements without any interjections or
 personal comments a very different experience than I was given. Objections that were
 made by my attorney that outlined parts of the plaintiff's statements clearly out of the
 standard practice for _____ were completely ignored. Between allowing
 hearsay testimony, time extensions, and statements that were outside the order and

appropriate timeline. The judicial favoritism was clearly stated by his actions during the entire trial. My opinion is he had his mind made up even prior to trial and the trial was just a show instead of a constitutional right to find justice for both parties. Commissioner [redacted] failed to hold the plaintiff accountable for blatant perjury while under oath by dismissing and overlooking contradicting statements. However, the amount of judicial prejudice that was shown after the plaintiff's testimony was a complete and utter disgrace to the justice system as well as the people the system is sworn to protect. When it was time for the proceedings of the respondent the Commissioner [redacted] was interjecting with questions and comments that were not given to the plaintiff at any point. The Commissioner proceeded to undermine my testimony and at the same time interrupt with biased comments and condescending remarks. The commissioner on multiple occasions made insulting remarks to myself and the members of the [redacted]

It was very clear that his true purpose of fact finding and upholding constitutional due process rights was not his concern or priority. More so his actions stated his purpose was to protect the plaintiff and deny the defendant constitutional rights. The commissioner stated multiple disrespectful comments about my profession of a [redacted] including insinuating that the entire [redacted] lacks integrity and violates their own policy and procedures on a regular basis. The Commissioner then completely disregarded multiple evidential documents that were presented due to his own biased opinions that clearly interrupted his professional judgment and duty. The Commissioner extended his biases into misinterpreting the Arizona Revised Statutes of [redacted] and completely ignoring common sense as well as practical parenting obligations to conclude his biased opinion of the respondent. The Commissioner yielded some sarcastic and condescending remarks towards the respondent in reference to his integrity and understanding of [redacted]. The Commissioner did not allow for respondents' witnesses to be called; he instead left them standing in the hallway for the entire court proceedings. Furthermore, forbidding the respondent from due process or allowing to entirely state my case. Commissioner [redacted] further showed his amount of judicial bias in his communication with my lawyer, constantly denying our requests, but favoring the plaintiff's requests for time or extensions. I found Commissioner [redacted] was in complete failure to provide a professional or fair and equal court proceeding in a negligent way. So much so that I did feel the need to respond by stating a series of "wow" and "this is insane" followed by "this is not justice". I truly witnessed an undeniable amount of prejudice without evidence by Commissioner [redacted] that even though I was completely respectful and polite throughout the trial, I felt the need to defend myself from such unwarranted attacks from a person society trusts to be free of prejudice.

Afterwards:

Commissioner [redacted] continued his bias and plaintiff favorable approach by [redacted]

awarding lawyer fees to the plaintiff. Even though my case presented was only half allowed it was filled with substantial facts that were only contested by Commissioner [redacted] biased opinion. There were zero facts presented to make contradicting arguments towards my evidence, but the judge felt my arguments were frivolous enough that I should not have even brought them to court and essentially need to be punished or held liable for exercising my rights. Meanwhile, being intimidated by financial constraints to follow my right to counsel or to pursue defending false accusations from a manipulative and motivated accuser were no consideration for Commissioner [redacted]. Inside the minute entries Commissioner [redacted] allows the plaintiff's lawyer to create libel and slander statements and never disagrees with the unethical approach of plaintiff's lawyer to discredit or attempts to hold him accountable for his tactics.

Conclusion:

The complete lack of professionalism and duty was an absolute jaw dropping exhibit of disappointment by the judicial system. Throughout this trial Commissioner [redacted] created an entirely false narrative of the man I am and presented his own false interpretations of me into all his decisions. This has caused such an inaccurate depiction of me as a father and my complete character. It's disgusting that the system I depended on to right wrongs has only caused more wrongs thus far with this being my first interaction in court proceedings. This exhibit of trial has completely destroyed my previous illusions of the justice system being anything near fair or just. The complete misinterpretation of evidence and judge-mental claims that were exhibited by Commissioner [redacted] were of gross negligence for his duty to uphold citizens due process rights. As a [redacted] member of [redacted] myself I am completely appalled with his performance, professionalism and complete violation of judicial code of conduct. Every reader of this letter is employed by tax paying citizens that deserve justice and protection. I call on the readers of this complaint to act with a sense of duty and oath to uphold a justice system free of bias and favoritism. My particular case will be viewed at a higher level that will hopefully stay true to oath and free of loyalty favoritism much of what Commissioner [redacted] so undeservingly and graciously implied onto this case. In an ironic fashion I am asking you to review one of your own for code of conduct violation and failure to perform judicial duty. I am completely prepared with [redacted] records and written transcripts that I can provide at any point if necessary. I understand the difficulties of deciphering testimony, evidence and the responsibility to protect those threatened are necessary and a crucial aspect to our society. However, to allow judicial code violations in such unprofessional behavior from a trusted and appointed individual should not be allowed by any circumstances.

With honesty and respect: