

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-398

Judge:

Complainant:

ORDER

May 25, 2023

The Complainant alleged a superior court commissioner did not allow a party an opportunity to be heard and then improperly denied an 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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 25, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022 - 398****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.

RULE 2.6. Ensuring the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. 1. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

Judge _____ did not ask me why I felt I needed the order of protection nor did she give me the opportunity to be heard. Judge _____ came in and sat down and advised me that the previous judge, who signed my Order of Protection on _____ did so because of the assault perpetrated on me, by the defendant _____ (my _____ went to jail for the assault. So Judge _____ said, basically, that the assault wasn't going to be a part of the current petition I was filing for on _____ Judge _____ then went on to explain that the defendant has not done anything aggressive towards me within the last year. Judge _____ did not ask me anything nor did she let me speak about what he has done and why I feel I'm in danger and why I need this New Order of Protection. As Judge _____ got up to leave the room I said "

"I had submitted in my new petition the police report numbers in regards to the violations). Judge _____ replied, " _____". Judge _____ in my Family Court case (_____), ordered the defendant to pick up our child from grandparent's house due to the Order of Protection. So the defendant knew he shouldn't be at my house for any reason. Judge _____ then again said my petition was denied and she left the room.

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.

Judge _____ was not patient, courteous or respectful to me. She was short, curt and dismissive. Judge _____ never asked me what happened, didn't ask why I feel I need this Order, didn't ask what the defendant has done to me. Didn't even ask what was going on to allow me to speak. Just told me she was going to deny my petition and then got up and walked out. She probably spent 4 minutes with me, and that was just to tell me why my Order was being denied.

This _____ my current Order of Protection will expire. I live in fear of _____. Over the past year, with the current Order of Protection in place, he has stolen all of our money out of our joint account (_____). He had our oldest daughter come to the house several times, without my knowledge, to remove items such as guns, computer equipment, files, and anything he wanted. He has canceled MY debit/credit cards and had new cards issued in my name, and sent to him at his address (_____). He has not maintained 'No Contact' he has contacted my mother several _____.

SEE ATTACHED

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