

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-345

Judge:

Complainant:

ORDER

February 20, 2024

The Complainant alleged a superior court judge had improper demeanor and failed to allow her to be heard.

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 February 20, 2024.

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1 Woman Filing:
 2 Address (if not protected):
 3 City, State, Zip Code:
 4 Telephone:
 5 Email Address:
 6 ATLAS Number:
 7 Presenting Self, without a Lawyer or Attorney for Respondent

8
9 AT THE COURT OF ARIZONA IN COUNTY

10
11 Respondent / Party B Case No.

12
13 ATLAS No.
14
15 Petitioner / Party A

16
17 **AFFIDAVIT AND MOTION FOR RECUSAL**

18
19 COMES NOW, hereinafter after Respondent, Respondent, I, Me, her, she,
20 of her own accord and free will to initiate the recusal process of the woman acting in
21 the Office of Judge based on the Admissible Evidence, attached herein.

22
23 **This document will serve as an Affidavit and a Motion for Recusal of**, the woman
24 **acting in the Office of Judge.**

25
26 The Admissible Evidence attached meets the **Authentication and Identification** rules pursuant to **Ariz. R.**
27 **Evid. 901** and the **Self Authenticating Admissible Evidence** pursuant to **Ariz. R. Evid. 902**. To avoid the
28 unconstitutional adjudication and deprivation of Due Process of Law, the Respondent has filed the following
29 Action with this Honorable Court, a motion moving this Honorable Court to issue the recusal is a necessity
30 to maintain the integrity of our Judicial System in the State of Arizona.

31
32 **GENERAL FACTS**

33
34 Respondent herein, has filed several documents into this case which have been ignored and
35 disregarded by the woman acting in the Office of Judge,

36
37 On or about Respondent filed a Request for Production Pursuant to **ARCP 26**
38 **(See Attached Exhibits)** which Petitioner ignored and disregarded.

39
40 On this Court entered an Order requiring Petitioner and
41 Respondent to produce an Affidavit of Financial Information within 40 days of entry of that
42 Order.

43
44 Petitioner failed and refused to obey this Court's Order.

45
46 On the hearing Respondent spoke on the record with Case Manager
47 and Notified Case Manager that Petitioner failed to provide
48 Respondent with an Affidavit of Financial Information within 40 days of entry of the
49 Court Order.

1 During a scheduled conference call Case Manager _____ said that Respondent _____ would
2 have to bring up any issues with the _____ Court Judge that has been assigned to the case.

3
4 Petitioner _____ failed to keep Respondent _____ up to date with a valid mailing address
5 pursuant to the Court Order stating that both parties must keep the Court and the other party updated with
6 any and all address changes.

7
8 Before having a scheduled meeting with _____, the woman acting in the Office of Judge,
9 Respondent _____ was proactive enough to stamp and file a Motion to Compel Production, a Motion to find
10 Petitioner _____ in contempt of Court, and a Motions Hearing document into the case.

11
12 Respondent _____ stamped and filed a Notice for a Motions Hearing to take place via Court Connect at the
13 Court of Arizona Courthouse, at _____ on _____

14
15 During the Court Connect meeting Respondent _____ attempted to bring up the motions she had stamped and
16 filed with the clerk of the court.

17
18 _____, the woman acting in the Office of Judge, has been incredibly Rude and
19 Unprofessional when speaking with Respondent _____ has shown a pattern of
20 **misconduct, bias, and being unprofessional.**

21
22 _____, the woman acting in the Office of Judge, was **very Rude, Condescending, and**
23 **Unprofessional** during the meeting. _____ did Not want to hear anything that Respondent
24 had to say regarding the motions that stood before the court.

25
26 _____, the woman acting in the Office of Judge, even went as far as yelling at Respondent
27 to STOP TALKING! a few times and muted Respondent _____ thereby denying Respondent _____ of
28 **a Fair, Impartial trial, and Due Process of Law.**

29
30 Respondent _____ had a Reasonable expectation that the men and women working for the _____ Court of
31 Arizona would be professional, courteous, and helpful, however that has not been the case with
32 _____ or _____

33
34 _____ appears to have issues _____ : dealing with and controlling her temperament.

35
36 So far it appears that _____ and _____, the woman acting in the Office of Judge,
37 are more interested in clearing out cases from the docket, than helping the people they solemnly swore to
38 serve with the utmost of professionalism.

39
40 It appears that _____ the woman acting in the Office of Judge, is more focused on rushing
41 through the divorce process even when it prejudices Respondent _____

42
43 Pursuant to **Ariz. R. Sup. Ct. 1.1 Rule 1.1 - Compliance with the Law**
44 **A judge shall comply with the law, including the Code of Judicial Conduct.**

45
46 There are still very important factual matters that must be heard and decided on before the divorce case can
47 be finalized.

1 Respondent is still attempting to go through the discovery process that will allow Respondent to
2 make informed decisions regarding the divorce.

3
4 The actions of _____ and _____ appear to be very biased towards the benefit of
5 Petitioner _____ even though Petitioner _____ has failed to keep the court
6 and Respondent _____ updated regarding a valid mailing address, following court orders, or discovery
7 request.

8
9 **conduct is truly unbecoming of a Public Servant.**

10
11 Respondent has found that _____ the woman acting in the Office of Judge, has been
12 hostile towards Respondent _____ since the first meeting, the **hostility, bias, and apparent prejudice from**
13 **has only gotten worse.**

14
15 Respondent _____ has in Good Faith done everything she can to help resolve the divorce as soon as possible,
16 however the actions of _____ and _____, the woman acting in the Office of Judge,
17 have caused unnecessary delays and have only prolonged the entire divorce process.

18
19 The actions of _____ and _____ have created a significant amount of Emotional
20 and Mental Stress, which have caused Respondent _____ physical ailments and health complications, resulting
21 in Respondent _____ having to go through various medical interventions.

22
23 Mayor & Aldermen of the City of Savannah v. Batson-Cook Co., 291 Ga. 114, 114, 728 S.E.2d 189 (2012)
24 states:

25 a. “It is vital to the functioning of the courts that the public believe in the absolute integrity and
26 impartiality of its judges, and judicial recusal serves as a linchpin for the underlying proposition that a court
27 should be fair and impartial.”

28
29 **“Impartial,” “impartiality,” and “impartially”** mean absence of bias or prejudice in favor of, or against,
30 particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may
31 come before a judge.

32
33 Pursuant to **Az. Code. Jud. Cond. Rule 2.3 (A)** A judge shall perform the duties of judicial office, including
34 administrative duties, without bias or prejudice.

35
36 Pursuant to **Az. Code. Jud. Cond. Rule 2.3 (B)** A judge shall not, in the performance of judicial duties, by
37 words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias,
38 prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age,
39 sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court
40 staff, court officials, or others subject to the judge’s direction and control to do so.

41
42 **A judge who manifests bias or prejudice in a proceeding impairs the fairness of the**
43 **proceeding and brings the judiciary into disrepute.**

44
45 **A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.**

46
47 Pursuant to **Az. Code. Jud. Cond. Rule 2.5 Competence, Diligence, and Cooperation (A)** A judge shall
48 perform judicial and administrative duties competently, diligently, and promptly.

1 **A judge should seek the necessary docket time, court staff, expertise, and resources to discharge all**
2 **adjudicative and administrative responsibilities.**

3
4 Pursuant to **Az. Code. Jud. Cond. Rule 2.11 (A)** A judge shall disqualify himself or herself in any
5 proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the
6 following circumstances:

7 (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer.

8
9 The decision about referring a recusal motion for reassignment to another judge does not involve an exercise
10 of discretion by the judge whose recusal is sought however it "must be considered from the perspective of a
11 reasonable person rather than from the perception of interested parties or their lawyer-advocates, or from the
12 subjective perspective of the judge whose continued presence in the case is at issue." *Batson-Cook Co.*, 291
13 Ga. at 121, 728 S.E.2d 189

14
15 *Withrow v. Larkin*, 421 U.S. 35 (1975) states:

16 a. "Experience teaches that the probability of actual bias on the part of the judge or decisionmaker is
17 too high to be constitutionally tolerable."

18
19 *Withrow v. Larkin*, 421 U.S. 35 (1975) quotes "Not only is a biased decisionmaker constitutionally
20 unacceptable but "our system of law has always endeavored to prevent even the probability of unfairness."
21 *In re Murchison*, supra, at 136; cf. *Tumey v. Ohio*, 273 U. S. 510, 532 (1927)

22
23 *Withrow v. Larkin*, 421 U.S. 35 (1975) states:

24 a. "It must overcome a presumption of honesty and integrity in those serving as adjudicators; and it
25 must convince that, under a realistic appraisal of psychological tendencies and human weakness, conferring
26 investigative and adjudicative powers on the same individuals poses such a risk of actual bias or
27 prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately
28 implemented."

29
30 Pursuant to **Az. Code. Jud. Cond. Rule 42.1 - Change of Judge as a Matter of Right**

31 (a) When Available. In any action in superior court, except an action in the Tax Court, each side is entitled
32 as a matter of right to a change of one judge. Each action, whether single or consolidated, must be treated as
33 having only two sides. If two or more parties on a side have adverse or hostile interests, the presiding judge
34 may allow additional changes of judge as a matter of right, but each side must have the right to the same
35 number of such changes. The term "judge" as used in this rule refers to any judge, judge pro tem, or court
36 commissioner. The term "presiding judge" as used in this rule refers to the presiding superior court judge in
37 the county where the action is pending, or that judge's designee.

38 (b) Notice Requirements. A party seeking a change of judge as a matter of right must either file a written
39 notice.

40
41 Pursuant to **Ariz. R. Civ. P. 42.2 - Change of Judge for Cause** and **A.R.S. § 12-409 (A)(B)(5) 5. That**
42 **the party filing the affidavit has cause to believe and does believe that on account of the**
43 **bias, prejudice, or interest of the judge he/she cannot obtain a fair and impartial trial.**

1 CONCLUSION

2
3 The facts stated herein show a "high probability of unfairness" should continue as the
4 presiding judge over Respondent divorce case.

5
6 If the State of Arizona is going to guarantee an adequate implementation of Due Process of Law, secured by
7 the Arizona Constitution and the United States of America Constitution, these matters should immediately
8 initiate the "use of the circuit's existing random, impartial case assignment method."
9

10 WHEREFORE moves this Honorable Court to enter an Order assigning another Judge to
11 rule on the merits of this Affidavit and motion, to generate written findings and conclusions, along with such
12 other and further relief as the Court may deem reasonable and just under the circumstances.

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15 RESPECTFULLY SUBMITTED this day of

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.....
Affiant

VERIFICATION

STATE OF ARIZONA)
COUNTY)

BEFORE ME personally appeared who, being by me first duly affirmed and identified in
accordance with Arizona law, deposes and says:

1. My name is , Affiant herein.

2. I have written, read, and understood the attached document filed herein, and each fact alleged
therein is true and correct of my own personal knowledge.

FURTHER THE AFFIANT SAYETH NAUGHT.

.....
Affiant

AFFIRMED TO and subscribed before me this _____ day of

(Seal)

Notary Public sitting in and for the State of Arizona.

My commission expires:

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**