

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-423

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Judge:

Complainant:

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**ORDER**

December 26, 2023

The Complainant alleged a superior court judge failed to report the misconduct of another superior court judge hearing a family 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 Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 26, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2023-423

**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.

The Hon. Judge \_\_\_\_\_ was made aware via a motion to change judge or venue of Judge \_\_\_\_\_ continued misconduct. Judge \_\_\_\_\_ was at the time the \_\_\_\_\_ Court Presiding Judge and had a duty to Supervise Judge \_\_\_\_\_. As Judge \_\_\_\_\_ former Supervisor, Judge \_\_\_\_\_ has knowledge of Judge \_\_\_\_\_ misconduct. The following pertains to this complaint.

Per The Arizona Code of Judicial Conduct:

- 1.) Canon 1 Rule 1.1: A Judge Shall comply with the Law, including the Judicial Code of Conduct.
- 2.) Canon 2 Rule 1.2: A Judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impartiality. Emphasis Added to Comment 5: Actual improprieties include violations of the law, court rules or provisions of this code.
- 3.) Canon 2 Rule 2.2: A judge shall uphold the law, and shall perform all duties of judicial office fairly and impartially.
- 4.) Canon 2 Rule 2.12: Supervisory Duties; A Judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including prompt disposition of matters before them.
- 5.) Canon 2 Rule 2.15: Responding to Judicial and Lawyer misconduct (A) A Judge having knowledge that another judge has committed a violation of this code that raises a substantial question regarding that judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority. (B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Misconduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority. (C) A Judge that has received information indicating a substantial likelihood that another Judge has committed a violation of this code shall take appropriate action. (D) A Judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.

Comment 1.) TAKING ACTION TO ADDRESS KNOWN MISCONDUCT IS A JUDGE'S OBLIGATION. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raised a substantial question regarding the honesty, trustworthiness, or fitness of that Judge or Lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the Judicial System.

Comment 2.) A Judge who does not have actual knowledge that another judge or lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the Judge who may have violated this code, communicating with the supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body.

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In this case The Hon. Judge \_\_\_\_\_ was made aware of The Hon. Judge \_\_\_\_\_ misconduct she was actively committing in her Courtroom. Judge \_\_\_\_\_ did not act as he is obligated to per the Arizona Code of Judicial Conduct. There is no record of any complaints Judge \_\_\_\_\_ filed against Judge \_\_\_\_\_, it is unknown if Judge \_\_\_\_\_ tried speaking with Judge \_\_\_\_\_ to resolve her behavior. IF Judge \_\_\_\_\_ did speak with Judge \_\_\_\_\_ behind closed doors, his efforts were not recognized by Judge \_\_\_\_\_ because Judge \_\_\_\_\_ continued her unethical, illegal misconduct. Judge \_\_\_\_\_ is also fully aware and has knowledge that Judge \_\_\_\_\_ conduct never stopped. Due to Judge \_\_\_\_\_ inaction the complainant has had to be subjected to more of Judge \_\_\_\_\_ misconduct and Judge \_\_\_\_\_ subsequent illegal retaliation against her. Judge \_\_\_\_\_ was advised of Judge \_\_\_\_\_ issuing rogue orders that were against Arizona Law. Judge \_\_\_\_\_ was also advised of the fact Judge \_\_\_\_\_ was violating Complainant's rights to due process and other Federally Protected Constitutional Rights. Judge \_\_\_\_\_ was also advised of the significant, serious case of Domestic Violence and Child abuse that was being intentionally ignored by Judge \_\_\_\_\_. Judge \_\_\_\_\_ was also made aware that Judge \_\_\_\_\_ was issuing orders inconsistent with the Arizona Constitution and the Arizona Rules of Family Law Procedure. What did Judge \_\_\_\_\_ do to stop any of this? Nothing. While Judge \_\_\_\_\_ is an independent Judge, Judge \_\_\_\_\_ while he was acting as the \_\_\_\_\_ Court Presiding Judge had a responsibility to Supervise the \_\_\_\_\_ County \_\_\_\_\_ Court Judges. Additionally, per the Arizona Code of Judicial Conduct, ANY JUDGE who has information that even points to a likelihood that another Judge committed an act of misconduct has an OBLIGATION to report that Judge. Did Judge \_\_\_\_\_ report Judge \_\_\_\_\_? Absolutely not, therefore Judge \_\_\_\_\_ himself violated the Arizona Code of Judicial Conduct.

The purpose of Judicial Discipline is to protect the public and to maintain high standards for the judiciary and the administration of Justice. Any disciplinary remedy or sanction imposed shall be sufficient to restore and maintain the dignity and honor of the position and to protect the public by assuring that the judge will refrain from similar acts of misconduct in the future. In this case Judge \_\_\_\_\_ has continued her misconduct with impunity, even retaliating against the complainant. As a senior Judge, Judge \_\_\_\_\_ knows he should have reported Judge \_\_\_\_\_ when he was made aware of her continued misconduct. Grounds for discipline include willful misconduct in office, willful and persistent failure to perform judicial duties, habitual intemperance, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or a violation of the code. In this case Judge \_\_\_\_\_ violated at least Canon 2 Rule 2.2 and Canon 2 Rule 2.12 and Canon 2 Rule 2.15. Additionally, there are mitigating factors for the Commission on Judicial Conduct to consider. Judge \_\_\_\_\_ was made aware multiple times of Judge \_\_\_\_\_ misconduct but willfully failed to act. The misconduct took place frequently AND continued escalating over time. The Misconduct took place while Judge \_\_\_\_\_ was acting in his official capacity as both a Judge and a Supervisor. The willful inaction of Judge \_\_\_\_\_ caused substantial injuries to complainant and a minor innocent child.

At this point Judge \_\_\_\_\_ is a participating party in the continued deprivation of rights and illegal activity that is taking place in Judge \_\_\_\_\_ Courtroom. Judge \_\_\_\_\_ willful failure to report Judge \_\_\_\_\_ speaks volumes to the failures of the Judicial System in \_\_\_\_\_ County \_\_\_\_\_ Court.