

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-501

Judge:

Complainant:

ORDER

February 20, 2024

The Complainant alleged a municipal court judge had an improper demeanor in a misdemeanor traffic 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 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.

2023-501

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.

On [], in a hearing held in Courtroom [], Judge [] engaged in judicial misconduct during interactions with me as described in the following:

RULE 1.2. Promoting Confidence in the Judiciary: 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 impropriety.
Comment 5 The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

—Judge [], as was demonstrated by her tone and demeanor, became upset that a (supposedly) presumed innocent man, compelled to appear under threat of deprivation of life/liberty/property, had questions about the specific procedures the Court was and had followed to evidence DUE PROCESS is being followed.

RULE 2.2. Impartiality and Fairness: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
Comment 1. To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

—She became angry and threatening to me when I expressed concerns that things were advancing inappropriately and potentially in violation of DUE PROCESS. She expressed frustration that she was not able to “ [] ”, and clearly was not objective or open minded.

If she truly presumed me to be innocent, as the posting outside the courtroom proclaims all are, by RIGHT, it is doubtful she would speak to and treat me as she did. She was clearly not impartial and although it is the duty of the prosecution to provide evidence on the record of proper invocation of the Court's jurisdiction, she behaved as though personally attacked when I brought up concerns that the process may not have properly commenced.

RULE 2.3. Bias, Prejudice, and Harassment: (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
Comment 1. A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

—She assumed me to be “ [] ”, apparently because I expect the Court and State fo follow their own rules. This prejudicial assumption appears to be the result of something read from “ [] ”.

The [] has labeled “ [] ”.

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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.
Comment 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.

—My attempts to get my concerns onto the record in Courtroom were repeatedly shut down by Judge including threatening to take me back into custody. The denial of my Right to Be Heard and efforts to silence me appears to have been done with total disregard for my Individual Rights, and to intimidate me and other accused people in the courtroom into silence/acquiescence.

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.
Comment 1. The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate

—She was not patient, dignified, or courteous in her dealings with me, and appeared unable to control her emotions.

RULE 2.11. Disqualification (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: - 18 - (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

—Her conduct, as outlined above, make it clear she is prejudiced against me and is unable to act with impartiality.

All conduct described will be clearly heard upon a review of the audio record of this hearing.