

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-514

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.

2023-514

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 _____ 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.

(BECOMING ANGRY WHEN SOMEONE ALLEGED TO HAVE COMMITTED SOME VIOLATION HAS QUESTIONS AND SEEKS EVIDENCE PROCEDURAL 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.

(ANGRY THAT ALLEGED DEFENDENT HAD CONCERNS THAT HIS RIGHT TO DUE PROCESS WAS NOT BEING VIOLATED AND MORE CONCERNED WITH GETTING "_____" , NOR OPEN TO CONSIDER ALLEGED MATTER 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.

(ASSUMED ALLEGED DEFENDENT IS "_____")
A "_____" BECAUSE THE ALLEGED DEFENDENT QUESTIONED IF THE PROCEEDINGS ARE PROPERLY COMMENCED. APPARENTLY DERIVING SAID PREJUDICIAL ASSUMPTION FROM "_____"

THE _____ HAS LABELED "_____"

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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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.

(IN OPEN COURT REPEATEDLY CHARACTERIZED ALLEGED DEFENDANT'S ATTEMPTS TO HAVE PROCEDURAL DUE PROCESS CONCERNS HEARD AND ADDRESSED AS ARGUMENTATION.

OPEN ADMINISTRATION OF JUSTICE CANNOT OCCUR IF OTHER SIMILARLY SITUATED ACCUSED PARTIES ARE DENIED RIGHT TO CONSIDER WHETHER THE MATTERS AGAINST THEM MAY ALSO HAVE BEEN IMPROPERLY COMMENCED)

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

(IMPATIENT AND DISCOURTEOUS TO ALLEGED DEFENDENT. APPARENTLY 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.

(APPARENTLY BASED ON NOTES FROM "JUDGE _____", JUDGE _____ ASSUMED ALLEGED DEFENDENT TO BE A "

_____, AND THUS RATHER THAN TREAT HIM WITH DIGNITY, RESPECT, AND DUE CONSIDERATION, SHE THREATENED AND VERBALLY ABUSED HIM. HER PREJUDICE AND ACTIONS MAKE IT CLEAR SHE IS UNABLE TO BE IMPARTIAL IN ANY MATTER INVOLVING ALLEGED DEFENDENT)