State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-362

Judge:

Complainant:

ORDER

March 29, 2024

The Complainant alleged a superior court commissioner was rude and also made improper rulings in a family law 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).

Copies of this order were distributed to all
appropriate persons on March 29, 2024.

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

FOR OFFICE USE ONLY

2023-362

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.

See attached : Complaint

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See Attached

Re: Complaint Against Commissioner - Case # - Motion To Enforce Parenting Time

I am writing to file a formal complaint against Commissioner of the County Court regarding his handling of Case # , specifically relating to the Motion To Enforce Parenting Time scheduled for , at MST. I believe that Commissioner conduct during this hearing was egregious and warrants immediate attention and investigation.

Background: The case involves a Motion To Enforce Parenting Time, with the parties involved residing outside of Arizona. The Petitioner and I, the Respondent, do not live in the state of Arizona, making it an inconvenient venue for both parties involved.

Bias and Prejudice: During the hearing, it became apparent that Commissioner exhibited emotional bias in his handling of the case. Despite the fact that neither party resides in Arizona and acknowledging the inconvenience of the venue, Commissioner proceeded with the hearing. This decision to continue the hearing solely because the Petitioner was present in the courtroom in person demonstrates a clear bias in favor of the Petitioner. Furthermore, Commissioner refused to acknowledge the gross violations of the current order (A.R.S.-25-408) within just days of its signing by Commissioner and

did not allow me to present relevant exhibits, which would have highlighted these violations.

Improper Conduct in Court: Commissioner behavior during the hearing was highly inappropriate. He displayed frustration stemming from his earlier case load, which translated into disrespectful, rude, and abusive behavior toward me, the Respondent. Notably, I was not allowed to share my Exhibits, and Commissioner repeatedly cut me off while I attempted to answer his questions.

Failure to Follow the Law: Commissioner failure to consider the fact that A.R.S 25-408 had been violated within days of the order being signed by Commissioner demonstrates a failure to apply the law correctly. Additionally, the Petitioner has a history of failing to appear and failure to provide service on two previous hearings related to this Motion To Enforce, which Commissioner did not adequately address.

Inadequate Communication: During the hearing, Commissioner failed to provide clear explanations of his rulings and did not allow me to adequately present my case. He belittled me, was rude, and repeatedly prevented me from completing answers to his questions. Moreover, after the hearing, I overheard Commissioner acknowledging his own rude behavior on the Microsoft Teams app, which further indicates a lack of professionalism.

Failure to Recuse: Based on the information provided in the

case, Commissioner should have recused himself, considering that Arizona had become an inconvenient venue. His decision not to do so demonstrates a failure to recognize the obvious conflict of interest and bias in favor of the Petitioner, who was present in person.

Lack of Impartiality: This matter should have been resolved in , but the Petitioner failed to appear, only filing again in June. Commissioner decision to overlook these facts and hold me in contempt for matters extending beyond the timeline specified in the Motion filed by the Petitioner reflects a lack of impartiality and fairness.

I urge the County Court to conduct a thorough investigation into the conduct of Commissioner during the hearing in Case # . His actions, as outlined above, not only compromised the integrity of the proceedings but also undermined the principles of justice and fairness that should guide the court.

I respectfully request that this complaint be reviewed promptly, and appropriate action be taken to address the concerns raised herein. I am open to providing any additional information or evidence necessary to support this complaint.

Thank you for your attention to this matter.

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.