

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-523

Judge:

Complainant:

ORDER

May 17, 2024

The Complainant alleged a superior court judge failed to recuse from a family case despite having a disqualifying conflict of interest.

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 May 17, 2024.

1 the Arizona Code of Judicial Conduct. Repeatedly she has consistently failed to
2 perform the duties of her judicial office impartially, competently, and diligently,
3
4 has regularly engaged in bias and prejudice both in favor of Petitioner and against
5 Respondent, and has often failed to maintain an open mind in considering issues
6 that have been presented to her, in violation of Canon 2 of the Arizona Code of
7
8 Judicial Conduct.

9
10 **Ariz. Co. Jud. Cond. Rule 2.11 – Disqualification.**

- 11 1. “COMMENT 1. Under this rule, a judge is disqualified whenever
12 the judge's impartiality might reasonably be questioned, regardless
13 of whether any of the specific provisions of paragraphs (A)(1)
14 through (5) apply.” *Rule 2.11 - Disqualification, Ariz. Co. Jud.*
15
16 *Cond. 2.11*

17
18 **Furthermore, Mother and the State of Arizona are currently in**
19 **settlement negotiations after Mother filed a Notice of Claim with the State of**

20
21 **Arizona with Judge _____ listed as a Defendant. See Exhibit A.**

22 **The Arizona Attorney General (who is representing Judge**

23 **_____) has advised Mother to have no contact with Judge**

24
25 **while participating in settlement negotiations. Mother has been advised to**

26 **ONLY have contact with Judge _____ through Judge**

27
28 WRITTEN VERIFIED STATEMENT OF DISQUALIFICATION (CASE ASSIGNED TO JUDGE

1 **Attorney. At that point, Judge _____ should have recused herself but failed**
2 **to do so.**

3
4 The Petitioner herein, _____, will hereinafter be referred to as
5 Father. Respondent herein, _____, will hereinafter be referred to as Mother.

6 Counts that allege the specific Canons Judge _____ has violated
7
8 and her conduct that violated each Canon is as follows.

9
10 **Count One**

11 **Judge _____ violated Canon 1, Rule 1.1 Compliance with the Law. A**
12 **Judge shall comply with the law, including the Code of Judicial Conduct. This**
13 **violation is self-explanatory.**

14
15 **Count Two**

16 **Judge _____ violated Canon 1, Rule 1.2 Promoting Confidence in the**
17 **Judiciary. A Judge shall act at all times in a manner that promotes public**
18 **confidence in the independence, integrity, and impartiality of the judiciary, and**
19 **shall avoid impropriety and the appearance of impropriety.**

20
21
22 **Comment 1. Public confidence in the judiciary is eroded by improper conduct and**
23 **conduct that creates the appearance of impropriety. This principle applies to both**
24 **the professional and personal conduct of a judge.**

1 **Comment 3.** Conduct that compromises or appears to compromise the
2 independence, integrity, and impartiality of a judge undermines public confidence
3 in the judiciary. Because it is not practicable to list all such conduct, the rule is
4 necessarily cast in general terms.
5

6 **Comment 5.** Actual improprieties include violations of law, court rules, or
7 provisions of this code. The test for appearance of impropriety is whether the
8 conduct would create in reasonable minds a perception that the judge violated this
9 code or engaged in other conduct that reflects adversely on the judge's honesty,
10 impartiality, temperament, or fitness to serve as a judge.
11
12

13
14 There is a clear and obvious bias when a judge is issuing orders while
15 ignoring substantial laws protecting victims of Domestic Violence, Child Abuse,
16 etc. The bias is further evident when a Judge issues unconstitutional orders
17 violating both the State of Arizona and Federally Protected Constitutional Rights.
18 Furthermore, a Judge repeatedly violating due process and summarily denying all
19 motions filed by Mother does not promote access to justice for all.
20
21

22 **Count Three**

23 **Judge** is in violation of **Canon 2, Rule 2.2 Impartiality and**
24 **Fairness.** A judge shall uphold and apply the law and shall perform all duties of
25 judicial office fairly and impartially.
26
27

1 **Comment 1.** To ensure impartiality and fairness to all parties, a judge must be
2 objective and open-minded.
3

4 **Comment 2.** Although each judge comes to the bench with a unique background
5 and personal philosophy, a judge must interpret and apply the law without regard
6 to whether the judge approves or disapproves of the law in question.
7

8 **Comment 3.** A good faith error of fact or law does not violate this rule. However,
9 a pattern of legal error or an intentional disregard of the law may constitute
10 misconduct.
11

12 **See Exhibit B,** Mother's second Complaint to the Arizona Commission on Judicial
13 Conduct filed with the Commission on .
14

15 **Count Four**

16 **Judge violated RULE 2.6. Ensuring the Right to Be Heard.**
17

18 (A) A judge shall accord to every person who has a legal interest in a
19 proceeding, or that person's lawyer, the right to be heard according to
20 law.
21

22 **Comment 1.** The right to be heard is an essential component of a fair and
23 impartial system of justice. Substantive rights of litigants can be protected only
24 if procedures protecting the right to be heard are observed.
25
26
27

**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.**