

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-300

Complainant: No. 1405310789A

Judge: No. 1405310789B

ORDER

The complainant alleged that a superior court commissioner demonstrated bias during a modification hearing, in part, by failing to grant a default judgment after the opposing party failed to appear. The commission reviewed the allegations along with the recording of the hearing and found no evidence of ethical misconduct on the part of the judge. The issues raised involve legal matters outside the jurisdiction of the commission. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on January 24, 2011.

This order may not be used as a basis for disqualification of a judge.

Complaint Against Commissioner

By

On October 19th 2010 at 2:05 PM I checked in at the Family court Administration at 18380 N 40th Street Phoenix, AZ 85032. I checked in with the 4D DES Attorney general office clerk Maria Herrera for my Hearing to Modify child support. She asked me to fill out papers I did and returned them to Maria Herrera at 2:12PM. Maria told me that she would call my name for the 2:30PM scheduled hearing to go before Commissioner [redacted] At 2:30PM Maria called several people to go into Commissioner [redacted] courtroom but not me. Maria told me I had to wait. At 3:00PM I asked why I was waiting and Maria told me [redacted] (Meade) did not appear for court and the Attorney General's office and Commissioner [redacted] office was trying to find [redacted] via phone and in person. I asked Maria Herrera what happens now and she said the commissioner will file a default for failure to appear on [redacted] and the modification you requested should be granted. I told Maria to tell the Attorney General's office and Commissioner [redacted] office I was asking for a motion of default on [redacted] for failure to appear in court and asking they grant my modification of child support. Maria went to tell the AG's office and Commissioner [redacted] office of my request for default. Maria came back and told me I had to wait. I told Maria at 3:30PM I had to return to work and asked her why I was still waiting; she said she did not know. At 4:02PM I told Maria once again I had to return to work and I was requesting motion of default on [redacted] because of her failure to appear. At 4:10PM Carol Parks attorney for the attorney general's office asked me to come into the AG's office where [redacted] was on the phone. They asked us both a few questions but the Carol was talking a lot with [redacted] but not with me. Carol said they might have to continue the court hearing for another date since all the financial information was not present. My response to Carol was all my financial info you requested in the petition for Hearing Modify of Child support sent to me I have here and is present. I felt the state AG's office Carol Park and Commissioner [redacted] were trying to stall since [redacted] did not appear and did not provide her financials as requested. This is a violation of Rule 1.2 and Rule 1.3 of Arizona Code of Judicial Conduct. Commissioner [redacted] lack impartiality by helping [redacted] avoid a Default for Failure to appear and tried to ignore the fact that [redacted] did not appear at the scheduled time of on or before 2:30PM. I experienced a possible economic loss by not being able to meet via telephone with a client do to the longtime I had to wait since [redacted] was not showing up for court. The Commissioner helped [redacted] and the State Ag's office avoid economic loss by avoiding the default for Failure to appear by [redacted]

At 4:25PM almost over 2 hours after the 2:30PM original hearing time I entered the courtroom. The commissioner allowed [redacted] to talk freely without being interrupted by anyone. When I was asked to talk the Commissioner allowed [redacted] to interrupt me and Commissioner interrupted me also with an angry threatening tone and look on his face. I was not able to finish what I wanted to say. I felt Commissioner [redacted] violated Rule 2.3 of the Arizona Code of Judicial conduct and was bias towards me based on gender. I noticed on the cases before me the commissioner was [redacted]

interrupting males and not females. The commissioner also allowed to interrupt him and I was not allowed. Commissioner stated he was not going to make a decision because I did not provide an affidavit of Financial information and he needed to reschedule a hearing in January 2011. The petition for Hearing Modify Child Support dated 06/24/2010 did not ask for an Affidavit of Financial Information this is a violation of Rule 2.4 and Rule 2.5. The Commissioner allowed AG's attorney Carol Parks request for a 2nd hearing to be rescheduled this shows a violation of Rule 2.4 influence of another organizations influence of the Commissioner to schedule a 2nd hearing for no reason other to help the state and All information financially was provided and I told the commissioner I would sign a affidavit of financial information right then, the commissioner still scheduled a 2nd hearing in January 2011. This a violation of Rule 2.5 of Arizona Code of Judicial Conduct because the commissioner failed to promptly make a decision in the hearing because it was at and the State's financial loss. Two days after the hearing on the 10-22-2010 I received a motion to appear telephonically back dated to 10/15/2010. I believe the Carol Parks had Commissioner sign this after 10/19/2010 and back date this making it look like he was allowing to appear telephonically but on the 10/19/2010 this order did not exist. This violates Rules 1.2, 2.2. 2.5 of the Arizona Code of Judicial conduct as well as several other state and Federal laws. Please see the attached documents.

I am asking that the Modification of Child Support be granted do to these violations of the Arizona Code of Judicial Conduct and the default for Failure to appear by (Meade).

Thank you,

20K2.