

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-063

Judge:

Complainant:

ORDER

July 3, 2019

The Complainant alleged a superior court commissioner violated his due process rights in a family law matter.

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 Rules 16(a) and 23(a).

Commission members Denise K. Aguilar and Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 3, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019 - 063

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.

_____ has continued, even after Judge _____ recused himself, to deny me (Respondent) my right of Due Process.

Background Information:

I have been denied my Due Process rights starting with the first hearing, _____ 7. It began when Petitioner's Counsel, using surprise, converted the petition from Separation to Dissolution via Motion the preceding day. Granted the _____ are nearly identical from a judicial perspective, but not from my emotional perspective. It's not rational nor reasonable for a judge to assume, defending myself, that it would have not adversely affect me. Judge _____ knew it was an unfair procedural move but he still approved it. It did adversely affected me which had an unfair effect on procedure and my Due Process rights. The outcome of the hearing was also not impartial. Partial substantiation is described in the attached "Motion to disregard error".

Also see complaint information from Case _____.

Current Complaint:

Granted Judge _____ is newly assigned to this case. However she has claimed to be, and the Court has identified her as being qualified and responsible to serve in that capacity without any caveats of exception. The Court has not, somehow, granted her relief to "get up to speed" before honoring my Due Process rights. I should not have to wait until a _____ to expect her to honor Due Process.

Judge _____ called the recent hearing on _____ per the attached _____. She did not cite a reason nor include any agenda. However she allowed Petitioner's counsel to use the entire hearing to present evidence and obtain testimony from me. I was not afforded any time to defend myself or explain aspects of the evidence that Petitioner's Counsel spoke about.

Judge _____ also re-affirmed Judge _____ orders for _____, without citing any rationale. She also re-affirmed his orders _____ I've never been afforded time, beyond the few brief moments when that was originally discussed in _____, to object let alone inquire about the matters.

It's also notable that Opposing Counsel has commented that my motions are / have been "futile". That certainly appears to be true.

Have my Due Process rights somehow been revoked? That's not reasonable given there has been no such legal procedures.

I object that Judge _____ has continued to deny me my right of Due Process.

MINUTE ENTRY

Respondent is admonished failure to appear for the [redacted], as
Ordered by the Hon. [redacted] on [redacted], may result in the finding of contempt, which may
include the issuance of sanctions including fines and/or incarceration.

IT IS ORDERED that [redacted] of the cost of the [redacted]. The Court
shall use expedited funds to pay the remaining [redacted].

As to [redacted];

IT IS ORDERED affirming Hon. [redacted] orders regarding [redacted];
and [redacted], until further order of this Court.

There being insufficient time to complete today's hearing,

IT IS ORDERED that the hearing set this date is continued to [redacted], in
[redacted] Estimated time for hearing is [redacted].

In the event there are more than [redacted] exhibits, counsel/parties shall make arrangements with the
Clerk's Office to have them pre-marked [redacted].

The Court signs the Minute Entry in lieu of a more formal Order.

cc: Hon. .

CERTIFICATE OF SERVICE

A copy of this Motion was emailed _____ to:

Attorney for Petitioner

**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.**