

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-013

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Judge:

Complainant:

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**ORDER**

The Complainant alleged a superior court judge violated Rules 1.1, 1.2, 2.2, and 2.4 of the Code of Judicial Conduct.

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.

After review, the Commission found the judge made comments that appeared to prejudge a witness' credibility, made disparaging comments about a witness' skill level, made editorial comments of questionable relevance, addressed counsel in a disparate fashion, and failed to afford the litigants and their counsel an opportunity for discussion outside the presence of the court when disclosing a potential basis for disqualification. While this was improper under Rules 1.2, 2.2, and 2.11(C) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer to refrain from the aforementioned conduct in future matters.

Dated: June 11, 2021

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on June 11, 2021.



- Judge [redacted] stated multiple times that he “ [redacted] ”, especially during the Petitioner’s attorney’s time for witness examination. It could be presumed that he had already decided on the case during the Respondent’s time and was simply going through the motions for the remainder of the allotted hearing time. (From this point forward in this document, I will be using parentheses to cite the locations within the transcript of the examples supporting my claim in the form of page:lines. Examples of Judge [redacted] inattention to the case at hand can be located on 128:8-15, 150:5-8, and 221:1-2.)
- Judge [redacted] was aware of the Respondent coaching his wife’s answers during her time on the witness stand, but did not mention it at the observed time or stop him from doing it. The judge stated later in the hearing that he had seen it. ( [redacted] )
- Judge [redacted] seemed to give more leeway to the Respondent’s attorney than to the Petitioner’s. For example, when Attorney [redacted] objected to the Petitioner’s attorney’s line of questioning saying that it was a parenting time issue, not a custody issue; the judge seemed to be listening and receptive, but he did not stop the Respondent’s attorney from badgering a following witness about the Petitioner’s medical diagnoses. Those diagnoses should not have been the main focus if it was simply a parenting time issue. ( [redacted] )
- Judge [redacted] made comments about the minor children’s counselor, specifically, that she “ [redacted] ”. However, he also waited until after the first witness had testified to make his previous interactions with [redacted] known. ( [redacted] )
- Judge [redacted] made comments regarding one of the minor children’s anxiety diagnosis. He said that children don’t really have anxiety and are over diagnosed with such. He proceeded to tell a personal story of his [redacted] being “ [redacted] ” watching a movie. ( [redacted] ).
- Judge [redacted] went on to comment on the minor child’s “ [redacted] ” and how a child should not be rewarded for such behavior. The judge blatantly ignored the child’s numerous diagnoses and how these impact his feelings, maturity, coping skills, and behavior. ( [redacted] )

- Judge [redacted] made comments regarding my multiple medical diagnoses and dismissed the evidence from the [redacted] implying that the organization is not creditable and gives money out meaninglessly. He again told a personal story about his [redacted] having [redacted] disability for [redacted] ( [redacted] )
- Judge [redacted] asked if I was planning to reapply for [redacted] disability benefits and when I replied that I was, he stated that he hoped [redacted] had “ [redacted] ” than the [redacted]. That statement is a clear indication of his personal feelings and hopes I would be denied. ( [redacted] )
- Judge [redacted] told me to get a job, despite my [redacted] disability ratings. He said that if I [redacted] were to come before him again in the future regarding child support, he would apply a minimum wage to my income whether I had a job or not.
- The judge’s statements, more often than not, seemed to favor the Respondent. For example, when the Respondent made a disparaging comment about the Petitioner, Judge [redacted] said, “ [redacted] ”. This statement can be viewed as the judge having an unfavorable standpoint against the Petitioner, as opposed to an unbiased fact-based perspective. Also, the judge would not rule on objections, he would simply say that he got the point and to move on. ( [redacted] )
- Judge [redacted] seemed to be insulting my parenting skills because I take into consideration the kids’ feelings and wishes. He stated that the problem seemed to be the kids ‘ [redacted] ’. ( [redacted] )
- Judge [redacted] also openly scoffed at remarks I made during my time on the witness stand and made inappropriate comments. Examples include when my medical diagnoses were discussed, when my [redacted] diagnosis was discussed and [redacted] need for a security item, and when I responded yes when asked if I was being reasonable during the proceedings. ( [redacted] )
- Judge [redacted] stated at the end of the hearing, that he would not take the matter under consideration. Instead, he would just rule because he already had too many files on his desk. ( [redacted] )

- During his ruling, Judge [redacted] referenced Arizona Statute 25-403. In his decisions, he blatantly ignored the guidelines listed in the same. More details for this claim will be presented later in this document.
- Following his final decisions, Judge [redacted] joked that, with the additional parenting time awarded, the Respondent and the kids [redacted] attorney. It is known that Attorney [redacted]. However, I interpreted this comment as offensive. It was upsetting that the Respondent was just awarded more time against the wishes of the children and that my financial situation was worse than the Respondent, meaning I was unable to do such things. ( [redacted] )

In regard to Canon 2 Rule 2.5 (Competence, Diligence, and Cooperation), Judge [redacted] committed the following infractions:

- Judge [redacted] stated several times that he “ [redacted] ”. ( [redacted] and [redacted] )
- Judge [redacted] stated that he stopped taking notes. At that point in the hearing, the Petitioner’s attorney had not even started to present her case. ( [redacted] )
- Despite being on the bench for almost [redacted] Judge [redacted] had to ask the attorneys about procedure (i.e. which side presents first) and what was included to calculate child support. ( [redacted] )
- Judge [redacted] said he just “ [redacted] ” the parenting log included in the Petitioner’s exhibits. This can lead to the question of what else he might have not diligently reviewed.
- The case was originally with a different judge and was reassigned to Judge [redacted] in [redacted]. Although it had been [redacted] he admitted to having “ [redacted] ” things in the file. In fact, he was so unfamiliar with the fundamentals of the case, he asked who [redacted] was at the beginning of the hearing. My attorney informed him that [redacted] was the Petitioner’s name. ( [redacted] )
- Judge [redacted] on more than one occasion, did not rule on objections; he simply said that he got the point or gist, and to move on. ( [redacted] )

- Judge \_\_\_\_\_ rushed the Petitioner’s attorney through her allotted time, because he was worried about going past \_\_\_\_\_ and keeping the staff late. He even gave her a time limit for questioning. This negatively impacted the attorney’s ability to present all her evidence and points of her case. It should be noted that, although the case was scheduled for a whole day; Judge \_\_\_\_\_ was scheduled to hear another case after lunch. This other case deducted over an hour from the assigned time for my case. Even after all the time taken away and the judge’s concern about running late, he still called for an afternoon recess of almost \_\_\_\_\_. This only added to the disadvantage of presenting the Petitioner’s full case. ( \_\_\_\_\_ )
- The judge said he would just rule on the case, due to too many files on his desk already. Also, because of the time concern, the judge did not address all points and told the attorneys to “ \_\_\_\_\_ ”. ( \_\_\_\_\_ )
- Judge \_\_\_\_\_ contradicted the guidelines set forth in the very statute he referenced to make his decisions. More detail regarding those will be presented following the Canons.

Moving on to Canon 2 Rule 2.8 (Decorum, Demeanor, and Communication with Jurors), Judge \_\_\_\_\_ did not perform his duty in the following examples:

- Judge \_\_\_\_\_ was not paying attention on several occasions. ( \_\_\_\_\_ )
- Judge \_\_\_\_\_ blatantly disregarded the evidence from medical professionals, criticized the \_\_\_\_\_ implied his own hope that the Petitioner was denied \_\_\_\_\_ disability benefits, and told the Petitioner to get a job despite documented medical issues. ( \_\_\_\_\_ )
- The judge openly scoffed and snickered in response to answer from the Petitioner while being questioned on the witness stand. ( \_\_\_\_\_ )
- Judge \_\_\_\_\_ seemed to criticize my parenting skills, because I took the minor children’s wishes into consideration. He said that was the problem, because I was letting the children “ \_\_\_\_\_ ”. ( \_\_\_\_\_ )

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