

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-044

Judge:

Complainant:

ORDER

May 19, 2021

The Complainant alleged a superior court judge had violated his due process and issued rulings that are “unethical,” “abusive,” and “excessive in nature.”

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).

Commission member Christopher W. Ames did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 19, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

21-044

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.

EXHIBIT A

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IN THE COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF

IN RE THE MATTER OF:)	
)	
	,)	CASE NO.
)	
Petitioner,)	
and)	
)	
	,)
)	
Respondent.)	
_____)	

County Court
, Arizona

BEFORE THE HONORABLE
COURT JUDGE

TRANSCRIPT RE: TELEPHONIC STATUS CONFERENCE

TRANSCRIPT PREPARED BY:

1 THE COURT: -- I'm looking at your email response to
2 just like I'm not signing that, and I'm wondering
3 what are you talking --

4 THE RESPONDENT: Okay. So --

5 THE COURT: Hold on one second. Hold on one second.
6 Let me just explain -- give you some instructions appearing by
7 phone.

8 So the way our sound system works in -- when I
9 speak, it takes a couple of seconds for you to hear it, and
10 so, I need you not to speak until I ask you to, because
11 otherwise, you're probably going to be interrupting somebody.
12 So let me just finish what I was saying, Father.

13 I'm wondering what basis you would have to refuse to
14 sign a release of information for medical records when I
15 specifically told you you had to. Go ahead, Father.

16 THE RESPONDENT: Okay. Yeah, so my -- my first
17 comment is that I think it would be irrelevant, but if you're
18 saying that it is, do you think that maybe alternatively that
19 Mother can disclose her mental health records as well? And
20 maybe do that as an exchange?

21 THE COURT: No. You can ask Mother to do that, but
22 I'm not aware of you asking her to do that.

23 THE RESPONDENT: Okay.

24 THE COURT: So we don't do --

25 THE RESPONDENT: So --

1 THE COURT: Hold on one second. So we don't -- I
2 don't do tit for tat, okay? So you don't get to say oh, I'm
3 disclosing mine, so Mother has to disclose her.

4 If you put out there a valid request for production;
5 well, then I'll consider it. But that's not in front of me
6 right now. What's in front of me is you refusing to sign a
7 release of information for your records when I specifically
8 told you in court that you had to do so.

9 So what basis, sir --

10 THE RESPONDENT: Okay.

11 THE COURT: -- when I told you you have to do it, do
12 you have for refusing to do it?

13 THE RESPONDENT: Well, I -- I believe it was a -- a
14 -- said that they were irrelevant and I wanted to
15 use that as my basis.

16 THE COURT: So --

17 THE RESPONDENT: And that's why I wanted to bring
18 that up and protective orders, just --

19 THE COURT: Okay.

20 THE RESPONDENT: -- to have that, you know,
21 discussed.

22 THE COURT: Who's the Judge? I'm the Judge. Okay?

23 THE RESPONDENT: Okay.

24 THE COURT: And is great -- I'm sorry, is
25 it ? I keep -- I'm not --

**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.**