

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-478

Judge:

Complainant:

ORDER

The Complainant alleged a municipal court judge pro tem improperly denied his special appearance motion in a traffic case.

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 failed to be courteous and patient when dealing with the litigant and also failed to allow the party to raise the issue of jurisdiction. While this was improper under Rules 2.8(B) and 2.6(A) 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 reminding of the duties to be courteous and patient, as well as allowing parties to raise issues of jurisdiction.

Commission members Louis Frank Dominguez and Delia R. Neal did not participate in the consideration of this matter.

Dated: September 20, 2024

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on September 20, 2024.

2023-478

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.

In all instances, conduct described occurred in Hearing held telephonically and in Courtroom # on , during session beginning at

Violation of Judicial Code of Conduct Rule 1.2: A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety:
- In response to Special Appearance motion for the Court to prove up Jurisdiction, Pro Tem Judge made the statement that calling into the hearing granted jurisdiction. Attempts to obtain clarification on his meaning were met with threats to be found in Contempt.
An Independent and Impartial decider of facts and law with Integrity should be capable of addressing axiomatic matters of law (ie, jurisdiction must be properly invoked in all matters before the court) in a respectful manner.

Violation of Judicial Code of Conduct Rule 2.2: A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially:
- Other parties in the session had questions answered, and did not receive the unprofessional treatment to which I was subjected for having questions and exectation that due process be followed.

Violation of Judicial Code of Conduct Rule 2.3 (A): A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- Threatening to charge a party with Contempt of Court for daring to move that the court prove up jurisdiction evidences bias against anyone aware that a court cannot act without jurisdiction.

Violation of Judicial Code of Conduct Rule 2.6(A): A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- threatened with Contempt questions of foundational importance in any legal matter, and muted my phone line when I attempted to speak, thus denying the right to be heard.

Violation of Judicial Code of Conduct Rule 2.8(B): A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.
- conduct was impatient, undignified, and discourteous.