

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-099

Judge:

Complainant:

ORDER

June 6, 2024

The Complainant alleged a superior court judge improperly granted two injunctions against harassment.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 6, 2024.

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

FOR OFFICE USE ONLY

2024-099

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.

Please use this as a preface but I will submit the signed form following this email. I would like to add this to the pending cases against Judge _____ and Judge _____, however I will be submitting and opening a case on Honorable _____ Court Judge _____.

In light of recent developments, it is necessary to address the conduct of _____ Court Judge _____ particularly concerning his involvement in a pending lawsuit against the Town of _____ and also a pending appeal of an IAH that will be landing on his desk from the results of the two judges named above. It has come to public attention that Judge _____ despite being directly involved in litigation against the town, has proceeded to approve two injunctions against harassment on the same day against me, one on emergency approval prior to even giving me an attempt to defend myself. This raises serious questions about impartiality and judicial ethics. On the case he did have me in, the _____ Court gave me _____ hours of notice leaving me with little time to have my legal counsel present to defend against what shouldn't be IAH and we believe we will win on appeal.

Furthermore, during the proceedings of one of these cases, Judge _____ made remarks indicating his awareness of my efforts to involve external oversight, presumably referring to the Attorney General's office. It is concerning that the Judge would reference another ongoing or pending case during proceedings, which may contravene the ethical guidelines that govern judicial conduct. Judges are expected to maintain impartiality and avoid any discussions that may imply bias or pre-judgment of matters before them.

Additionally, Judge _____ approved a second injunction against harassment without a formal hearing, the basis of which remains unclear. It is important to note that all my communications with Town Clerk _____ have been transparent and included the Attorney General's office, aimed solely at ensuring the execution of her duties in accordance with the law. If such actions are being interpreted as harassment, it prompts a reflection on the suitability of individuals in public service roles.

The integrity of our judicial system relies on the ethical conduct and impartiality of its judges. It is crucial that all actions taken by those in the judiciary uphold these principles to maintain public trust and confidence in our legal system.

Given the current circumstances surrounding _____ Court Judge _____ conduct and his apparent awareness of ongoing legal matters within _____ County, I am compelled to seek a venue outside the county for any legal actions I pursue. This decision does not come lightly but is necessitated by a loss of confidence in the local judiciary's ability to impartially administer justice, especially regarding the specific issue of obtaining serial numbers for a recall effort targeting several council members.

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The impartiality of the judiciary is a cornerstone of our legal system, and any perceived or actual bias undermines the fairness of proceedings and the public's trust in legal outcomes. My aim to hold public officials accountable through a recall is a legal and democratic process, necessitating transparent and unbiased support from the judiciary, including the procedural step of issuing serial numbers by the town clerk.

In light of these concerns, relocating my legal actions to a jurisdiction outside _____ County seems to be the only viable option to ensure a fair and unbiased legal process. This decision underscores the importance of judicial ethics and the need for judges to abstain from involvement in cases where their impartiality might reasonably be questioned, directly or indirectly. My commitment to seeking accountability and transparency from elected officials remains steadfast, and I will continue to pursue all legal avenues available to ensure that justice is served.