

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-442

Judge:

Complainant:

ORDER

January 31, 2025

The Complainant alleged a city court judge had ex parte communication with the other party.

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 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 members Regina L. Nassen and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 31, 2025.

Attachments: [Submitting Digital Evidence.pdf](#)

From:

Sent:

To:

Commission on Judicial Conduct
<CommissionJudicialCo@courts.az.gov>;

Subject: Fwd: , DOB ~

Caution! This message was sent from outside your organization.

Quick timeline fleshing out the attempt to get an OOP in [redacted] and records regarding the case later ([redacted]):

1. Spent days / weeks trying to find a court that would hear this, preferably remotely, that also did not have a built-in conflict of interest.
2. Finally got through to a [redacted] City OOP clerk in [redacted]. Judge [redacted] called [redacted]; got me off the phone and set pre-issuance hearing, instead. Said I could not appear electronically for the pre-issuance hearing; made it clear that he did not receive the full petition or review it before sending me off the phone. Told me to bring in remainder of petition at time of hearing (as if it was evidence, not petition). Said too complicated to do anything outside of evidentiary hearing.
3. I sent below email on [redacted].
4. [redacted] called court on [redacted] (likely during his work hours); I was not informed he called. He then filed a Motion that day (likely during work hours) wanting a "[redacted]", but did not copy me.
5. Got below email from court on [redacted], basically telling me to button up until [redacted] court date.
6. Got [redacted] Motion from clerk's office on [redacted], along with an order that vacated the hearing (already!). Order was a single paragraph but managed to get ALL of the important law wrong, ALL of the important facts wrong, and CRITICAL procedure wrong.
7. Tried to get audio of proceedings [redacted]; bounced around to several [redacted] City phone numbers (like in [redacted]). Couldn't even get a docket as of [redacted] hours into the process so I could know

what to order without having to shell out per guessed date. Spoke with at #, who sent me to records at #, at which I left a message.

8. Called OOP#, directly, for later in afternoon on . Told by that clerk that she would not provide me the docket and was told by her supervisor that she does not have to. Left message for supervisor, , at on . No call back from records or as of time of sending this email.

Allowing Defendant ex parte contact with court and ex parte ability to argue for dismissal - while telling Plaintiff she can't say anything about substance until evidentiary hearing - is the opposite of the intent of the Ariz. R. Prot. O. Proc., the plain language of those rules and the underlying statutes on IAHs and criminal laws, as well as completely contrary to legislative intent and public policy.

Now, Plaintiff can't even have access to the docket and Plaintiff and kids are subject to an even greater power imbalance. We are left far more unsafe than we were in June because of how Judge , Magistrate , and the remainder of the staff at continues to handle this.

This e-mail contains legally privileged and confidential information intended only for the individual or entity named within the message. If the reader of this message is not the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited. If this communication was received in error, please notify us by reply e-mail and delete the original and sent messages. However, unless otherwise specified in a direct communication, no email from this office shall be considered sufficient to establish an enforceable agreement under Arizona Rule of Family Law Procedure 69.

----- Forwarded message -----

From:

Date:

Subject: RE: , DOB ~

To:

Hello,

Your request for an Injunction Against Harassment as previously discussed with a Judge was set for a

hearing prior to issuance. This means your request has not been neither denied nor granted in our court system. Your hearing date and time for such hearing is _____ at _____. At that time, you will be able to state your case and provide any form of evidence (digital, physical, or witnesses) to the Judge. On the other hand, _____ will also be present and will be able to respond to the statements you have made. Please keep any information you would like the court/judge to see in your possession until your given court date. The initial petition along with your added allegations have already been provided to _____ so at this time nothing else can be added.

If you wish to submit any digital evidence for you court hearing, please follow the instructions on the attached documents. Please note, this can only be documents attached to your email. Anything written in the body of the email will no be presented in court.

If you wish do submit any physical (paper) copies of evidence, please bring 3 copies: one for the Judge, one for yourself, and one for the other party.

Any other questions can be emailed to _____ or you may call our office at _____

Thank you!

From:

Sent:

To:

Subject: _____, DOB ~

Caution! This message was sent from outside your organization.

Unfortunately, I do not have time to write a well-worded email. I'm emailing you because you are in the attached timeline.

I didn't have time to write the attached timeline well, either, before trying to submit this timeline as part of a petition for injunction against harassment, protecting my children and myself from _____. If I do not have _____ day of birth precisely correct, I do know the month and year are correct.

The colored parts of the attachment were added by me, by hand, tonight, before emailing you.

I tried submitting the black-and-white timeline through AZPoint, which is absolute trash, but I know how to use it. The tech will not allow me to submit this timeline or anything even close to it. The cruel irony is that AZPoint limits petitioners to six entries. So the more crimes committed by a defendant, the lower the percentage of total crimes that can be submitted through AZPoint for eventual consideration by a judge deciding whether to protect a petitioner or her children.

I spent hours trying to submit this timeline (and full petition) directly to various courts throughout AZ this week after AZPoint failed us, also without success.

Similar to what I described on p.7 of this timeline with _____ on _____, this week, I was also prevented by a specific court from filing the petition. No one would read my timeline before rejecting my request for an injunction against harassment earlier this week. I worked very hard for hours, complied fully with the AZ Rules of Procedure for Injunctions Against Harassment, yet still could not get any judicial officer to comply with the **requirement** of reviewing the petition. Feel free to look at Rule 25(d) ("A judicial officer **must** review the petition") or (e)(1) ("The judicial officer **must** issue an Injunction") if you do not believe my short recitation of what the AZ court system is **required** to do for my children and for me.

However, again, it is too late for the courts to do the bare minimum.

It isn't too late for law enforcement to act, but they never do. No need for you to read this attachment, but if you do, you will see that _____ limited involvement so far has been to ASSIST _____ to commit crimes on _____, then to offer me vague promises to *maybe* help my children and me sometime in the future. Law enforcement has had much more involvement with _____ crimes against us than described in this paragraph or in the attachment, but that's the "highlight" for us, and the upshot with regard to that one local agency.

Since the "system" once again has purposefully failed my children and I, I felt free to add the color to this before attaching it here.

The upside of the system not doing its job is that there's no injunction against _____ right now, so I don't have to "hide" this timeline or any petition to ensure he's properly served, which usually means the petition is withheld from the public before service - by the courts (not the petitioner).

The same goes as far as an indictment or criminal complaint. No need to "surprise" _____ with anything official because all officials have failed to protect my children and me. The system has done nothing upon which to act, let alone keep hidden, pending effective service of anything of import from any part of the legal system.

Another silver lining of the system ignoring my children's rights and my own is that gets away with so many crimes that he feels free to **announce** future crimes he's going to commit against us, such as what he has repeatedly told me directly he is going to do to us this entire upcoming weekend.

I will continue seeking other forms of relief at a later date.

The best I can do tonight is make it known that I **tried** to prevent this weekend's crimes.

I'm making it known I've complied with everything required of a residential lessee (and MUCH more) to prevent our physical dispossession of our only home.

I'm making it known that I've done everything I can to prevent losing more income that should have

gone to my children.

I'm making it known that I've done everything I can to prevent this insurmountable loss of financial credit, which affects all areas of my children's life, and my own.

I'm making it known that I've done everything I can to prevent losing my professional license because of .

I'm making it known that I've done everything I can to prevent losing custody of my children because of crimes.

I'm making it known tonight that if crimes this weekend render me unavailable to cooperate - but law enforcement and/or the court system suddenly wanted to assist us afterwards - they can start here. The evidence was already widely available and now, even more so.

Feel free to forward this email and the attachment along to anyone you wish. My plan at this time is to further distribute this document, anyhow.

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**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.**