

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-087

Complainant: No. 0174910203A

Judge: No. 0174910203B

ORDER

An anonymous complainant alleged that a superior court judge violated an order from the court of appeals and issued improper orders. The commission considered the allegations and found no evidence of ethical misconduct on the part of the judge. The fact that the judge, acting in her capacity as a presiding judge, has decided to retain control over the underlying case is not evidence of judicial misconduct. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 29, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 29, 2011.

This order may not be used as a basis for disqualification of a judge.

MAR 21 2011

An official charge against Judge

The Maricopa Center for Justice hereby submits an official charge against Judge
for noncompliance with the Arizona Appeal Court order.

DR1999- 4/7/2009 "IT IS FURTHER ORDERED that this matter be
permanently assigned to Judge for all further proceedings, in the event of a
change in case type assignments."

The Mother appealed the above assignments. Prior to the Court of Appeal decision and
prior to Judge being transferred to the position of the presiding judge of the family
court, Judge ordered:

DR1999- 5/21/2010 "The Court informs counsel that it will only retain this
case as it pertains to the following pending issues set forth below..."

On or about 6/10/2010 Judge was transferred from the NE court to the downtown
court to serve as the presiding judge of the family court.

On or about 6/10/2010 this case was officially assigned to Judge however
Judge continued to control some of the issues.

1 CA-CV 09- 1 CA-CV 09- 8/10/2010 **Arizona Appeal**
Court:

"F. Announcement Regarding the Assignment of the Case The
court ordered that the case be "permanently assigned to Judge
for all further proceedings, in the event of a
change in case type assignments." Mother contends that the
court abused its discretion by entering this order. Judge
was assigned to the parties' case for all proceedings
relevant to this appeal. Should Judge
determine it advisable to retain assignment of the case after
rotation to a different department of superior court, **the**
assignment would have to be approved by the presiding judge
of the family court department. See Ariz. Local R. Prac.
Super. Ct. (Maricopa) 6.1(b)."

It is clear that both orders were in violation of Arizona law, as the presiding Judge
Colleen McNally approved none.

DR1999- 12/1/2010 "This case was previously assigned to the Honorable

On the Court's own motion, **IT IS ORDERED** assigning the above-entitled cause to Family Court Calendar DRJ , the Honorable for all further proceedings."

Currently Judge is the presiding judge of the family court and responsible for case assignments. Does that still give her the right to single out **one** case and take it for herself?

Please consider the following:

If Judge allowed the removal of Judge from his case and reassign it to **herself** then every presiding judge can remember a citizen/litigator who he didn't like as a judge and now has a "second bite" to "settle the score."

Was Judge notified before? What about Judge rights and dignity? Is Judge incompetent to handle this case?

What if Judge would insist on keeping this case, by arguing that he did not disqualify himself! Neither petitioner nor respondent file for a change of judge! No rotation of Judges or reassignment of cases occurred! Therefore, this case is still assigned to him (Judge) and any attempt to remove the case is an outside interference with independent judiciary. Is this a possible scenario?

If Judge were to transfer to a regular rotation (not the presiding judge) she would not be able to take away Judge case, as she did. Judge position as the presiding judge gave her that "power" to do so. Judge clearly abused her position to regain control of this case.

The difference between regular rotation and presiding judge rotation in this case is equivalent to justice v. injustice. There is no way that the mother can get any justice with Judge (for reasons that might be disclosed at another time.) Therefore, a new judge is crucial in this case. Unfortunately, the mother's judge (Judge) got chosen from all the other judges to be the presiding judge of the family court. A chance of about 2% Checking prior court records, we could not find any other presiding judge who pulled back anyone... The chances that a particular Judge will be chosen to be the presiding Judge, and then pull back a specific case, is estimated to be less than 0.1%. Unfortunately, we are dealing with families with children. Justice should not be a lottery.

Since the Mother was assigned, "a new judge" was she able to file change of judge for right? Could an argument be made that the new judge is also the old judge?

Why can't this poor mother simply get a Judge like all other people? What did the Mother do to deserve such an "honor" to be judged by the presiding Judge herself?

Does presiding judge of Maricopa Superior Court need to approve the **personal** assignments of the presiding judge of the family court?

Who judges the Judge? Where is the check and balance?