

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-253

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Complainant: No. 1451610252A

Judge: No. 1451610252B

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**ORDER**

The complainant alleged a pro tem superior court judge was biased and unfair in handling various matters in her case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing all of the information provided by the complainant, the recording of the hearing, and the electronic case history, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: November 2, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on November 2, 2012.

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

September 20, 2012

I am writing to make a formal complaint against Mr. [redacted] I left out the Honorable as I feel that conflicts with my complaint and he has not acted "honorable" in my opinion. I am certain that Mr.

[redacted] has violated codes under the Arizona Judicial code of conduct. Beginning with number one and two under **Rule 2.2 Impartiality and Fairness**. I believe that the judge was not open minded when hearing my case. In failing to do so, he was not able to be impartial and fair. I understand that each judge has their own background, personal philosophy when hearing a case but they should apply the law without using their personal approval or disapproval of the law in question.

Arizona Judicial Code of Conduct **Rule 2.3 Bias, Prejudice and Harassment** were violated by Judge [redacted] beginning with (B). Judge [redacted] by conduct and words manifested bias and prejudice based on religion and marital status. This occurred by the judge on more than one occasion making facial gestures like rolling his eyes, looking at his fingernails showing disinterest and making comments when discussing my religion and that of my children and family. This occurred since my case began in April 2012. The judge was particularly biased when it came to my marital status in stating at the last court hearing on 8/20/12 "I married the guy". He was referring to my husband who is facing criminal charges that involve my daughter in this custody case. The judge stated that I married the guy, was neglectful and allowed this to happen to my daughter. The judge stated that if his daughter would have come to him and told him this (referring to inappropriate touching) he..... then he stopped. The judge I feel has his own personal feeling and bias when it comes to dangerous crimes against children. I understand the feelings that come along with this horrible subject but that does not give the judge the right to accuse me of knowing or allowing this horrible act to have happened to my daughter. The judge stated that I didn't believe my daughter which is not true. My attorney called his attention to correct him and reminded him that I at the time felt my husband had not committed the act and did not state that I did not believe my daughter. The judge failed to consider why I felt this way and the things that I testified about that made me feel the way I did at the time. The judge is using what happened to my daughter as a means of punishing me and my children. The judge continuously would cut my lawyer off and interrupt myself, lawyer and witnesses. The judge told my sister who was a witness while trying to testify, "That's enough Chatty Cathy". The judge refused to hear the other party's history regarding drug use and character. The judge wanted information from the most current custody order forward about the other party. He allowed the other party to speak about my character regardless of time period. This makes it very difficult to prove your case when a judge refuses to hear what needs to be said fully. The judge made a custody change without fully hearing the other party's history, background and without a drug test. This is also a violation of **RULE 2.6. Ensuring the Right to Be Heard** under the letter (A).

I strongly feel that the system has failed my children and I. Judge [redacted] has contributed to this injustice that my children and I feel. I have been in front of Judge [redacted] several times and his behavior is unacceptable, bias and unfair. Judge [redacted] has allowed his personal feelings and opinions interfere with his capability of applying the law fairly and just. I hope that this matter is taken seriously and is investigated to the fullest.

Respectfully,