

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-028

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner was prejudiced against her and made improper rulings in a custody matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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.

The commission does not have jurisdiction to review the legal sufficiency of the commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: February 17, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on February 17, 2016.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

On _____ at the status hearing/hearing for emergency custody J _____ was to make a judgement on the evidence provided to him regarding transfer of custody. Upon reviewing the evidence the Judge asked the respondent why there were so many absences for the minor child in common. The Judge allowed hearsay in the court room and disregarded evidence. This judge also stated after hearing the Court Appointed advisor confirm both with her report and from a court ordered psychiatric evaluation that petitioner was not a danger to child. Father has issues with alcohol and confessed to committing perjury, filing false police reports and domestic violence on a recorded phone call which has been reviewed. Once this was brought to the Judges attention this was then used against myself the petitioner. The judge made a statement in open court that the multiple reports in favor of the petitioner (I _____) that I had "issues". The judge also stated that I was not allowed to enforce my restraining order despite the numerous police reports with _____ for violations. This judge also made a modification allowing texting which has been used in the past to harass the petitioner by the respondent. This judge stated that he was going to further order supervised parenting time from previous judge and when asked why if all orders were completed by petitioner and there has been no evidence of abuse, neglect or endangerment his statement was "I am going to continue with the previous judges orders." The respondents counsel then demanded the petitioner sign a HIPAA release form for the release of medical records after all medical documents were previously ordered "only to be released to Court Appointed advisor" from _____. When petitioner asked due to the previous dissemination of medical records in a public facility and discussing personal medical issues with a party not involved with our family case the judge stated "it may be beneficial to the other party."

The judge was made well aware of all domestic violence issues against other party. The judge made a biased opinion in the court room and due to the extreme forms of prejudice this will infringe on my rights to a fair trial. The judge made medical statements without fully reading the information provided to him and without a medical or professional degree. This goes against all rights that were read to me for victim's rights. In family and in criminal court the victim is not getting the appropriate justice. By making statements that are negative and damaging in open court this will prevent a proper investigation. Prior to the judge meeting with both petitioner and respondent the counsel for respondent stated to the bailiff that she "missed him" and also stated to her client that she was familiar with this judge and would be able to get him to listen to her. This shows favoritism and bias in the court room.