

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-007

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge violated Rules 2.2, 2.3, 2.5, 2.6, 2.11, 2.13 and 2.15 of the Code.

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.

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

Commission members Louis Frank Dominguez and George H. Foster, Jr. did not participate in the consideration of this matter.

Dated: February 21, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on February 21, 2018.

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

By U.S. Mail

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

I am writing to you regarding _____ as I believe an injustice has
 been committed and the parties' minor son _____ is ultimately the one suffering.

Due to medical reasons following a car accident during this case _____ I have since
 not been able to work 100%, and have pending applications with both _____ and _____

The _____ in this case which was made aware of my medical and financial
 situation prior to trial, has not only refused to take my situation into consideration, but
 also retaliated against me, by depriving me of custody and parenting time and awarding
 the other party all community property, all equity in the marital home and attorneys fees.

After discovering that the other party filed for the purpose of the _____ trial an Affidavit of
 Financial Information dated from _____ which contained fraudulent information, I was
 denied a motion for new trial and a petition for child support modification.

The _____ in this case who was provided many times with my financials,
 had declared now twice that there is no disparity in resources between the parties and
 made me responsible for the other party attorneys fees, this when I am still injured,
 without proper employment, no health insurance and no financial resources.

Based on the same financials, I was granted a deferral of fees for court filling purposes,
 qualified for disability application, State health insurance and nutrition assistance.

It is my belief that I have been discriminated against by the _____ assigned
 to this case and that my rights have been violated, as I have been stripped of all
 financial resources, forced to become indigent and deprived of my parenting time.

In this case, the _____ has not acted in the best interest of _____ the
 parties' minor son (attached Motion filed _____).

Respectfully,

CONFIDENTIAL

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

2018-007

COMPLAINT AGAINST A JUDGE

Name:

It is my belief that _____ discriminated against me in this case, that my rights have been violated, and that I did not received justice.

As a result, it is my belief that in this case _____ violated the following canons:

Rule 2.2 – Impartiality and Fairness

Following my filing of a motion to remove a court appointed custody evaluator, perpetrated fraud by intentionally affecting the ability of the court to impartially judge this case. From that day, _____ disregarded and denied every one of my motions or oral arguments, and his retaliation resulted in a conduct to intentionally and willfully disregard the truth, prevent me from fairly presenting my case and to ultimately discriminate against me by punishing me financially and depriving me of my parenting time.

Ultimately, _____ already had is ruling done even before we set foot in his courtroom for the trial.

Following trial, even though _____ had ruled on favor of the other party on every single issue, the retaliation and harassment continued, _____ denied my summer vacation time in violation of the decree, removed my mid week visitation time without a proper hearing, and denied my post decree child support modification petition.

While at the same time, refusing to address my motion to show cause regarding the other party refusing to return _____ the parties minor child to me for my parenting time in 12 separate occasions, this following the Order of Protection I was granted against them.

_____ also denied my post decree motions regarding the other party' counsel committing fraud, by providing the court for the purpose of the _____ trial an affidavit of financial information dated from _____ which contained fraudulent information. made/ or justified all financial decisions in this case on a fraud committed by the other party counsel.

By not ruling on this issue, which he is fully aware of, _____ is deliberately obstructing justice and enabling the other party' counsel misconduct.

CONFIDENTIAL

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

again discriminated against making comments about my “disheveled” look and my admission that I was not sleeping well, stating that:

. This without any regards to the fact that I am currently injured with a herniated disc in the neck and suffering with daily pain.

In his last ruling, awarded attorneys fees to the other party, ordered a safe haven therapist at not covered by the parties insurance and found me in contempt for not paying child support as ordered in the decree, all in retaliation for:

- 1) me bringing the fraud committed by the other party counsel (counsel provided the court for the purpose of the trial an affidavit of financial information dated from which contains fraudulent information) – Addressed at hearing but not mentioned in ruling.
- 2) Me filing a Post decree child support modification petition, Denied without reason.
- 3) me seeking and obtaining an order of protection against the other party.
- 4) me filing an order to show cause regarding the other party not returning the parties minor child in 12 separate occasions following the OP. Addressed at hearing but not mentioned in ruling.
- 5) me submitting my financials, application, application and the other party’s bank statements, invoices, expenses, and all exhibits proving that any financial decision made by in this case was fraudulent.

Rule 2.3 – Bias, Prejudice and Harassment

discriminated against me by punishing me financially and depriving me of my parenting time, all in order to favor the other party and award the other party with 100% of the community property, 100% of the equity of the marital house and thousands of dollars of attorneys’ fees.

also by his comments like “disheveled” “enmeshed” or comments about possible unverified “mental health issues”, has harassed me and discriminated against me, this without any regards for my current medical condition due to a car accident, this to justify to deprive me of my parenting time.

Rule 2.5 – Competence, Diligence and Cooperation

denied me a Post Decree Child Support Modification that was already set to go in front of a commissioner.

CONFIDENTIAL

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

denied me the right to appeal, by intentionally not signing an order dated for which he has been notified multiple times by the Court of Appeals.

Rule 2.6 – Ensuring the Right to be Heard

refused in this case to hear any of my arguments, refused to take in consideration any of my pleadings or exhibits.

Ultimately, already had is ruling done even before we set foot in his courtroom for the trial.

Rule 2.11 – Disqualification

impartiality in this case is more than questionable.

As an example:

After of marriage, I was awarded by for my share of the entire community property, (this for my share of a purchased for) this when parties lived in a , and mother is an interior designer.

The other party was awarded sole custody and 80% of the parenting time, yet exhibits show that I was the stay at home dad, responsible for school and doctor visits and the only nurturing parent.

ARS 25-103 (B) it is also declared public policy of this state and the general purpose of this title that absent to the contrary, it is in the child's best interest:

- (1) To have substantial, frequent, meaningful and continuing parenting time with both parents
- 2) To have both parents participate in decision-making about the child

From the time of separation to the Decree , both parties willingly shared equally decision-making and parenting time in a 5-2-2-5 basis, this with minor issues.

decision to award Mother full custody and 80% of parenting time is against the best interest of the child, and further demonstrates discrimination against father.

ruled that there is no disparity of resources between the parties in his award of attorneys fees for the other party, yet the other party retained 100% of the equity in the marital house and 100% of the community property. was very well aware of my financial situation and lack of resources as 6 months prior to trial he granted my attorney' motion to withdraw for financial reasons.().

CONFIDENTIAL

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

is aware that I filed for disability and received State provided nutrition assistance while the other party has over in their bank account, and lives a lavish lifestyle.

Rule 2.13 – Administrative Appointments

appointed a which appointment was subject to the ability to provide a written report in a timely manner.

only worked on the case 30 minutes in the first 72 days of her appointment, she proceeded to blame me for not being ready for trial and discriminated against me for filing a motion to have her removed.

Following my motion to have the Custody Evaluator replaced, comments in open court were: I have worked with her in the past and her work is impeccable, also stated that he was expecting the delay as he knew she was very busy. Yet blamed me for the trial delay to justify awarding attorneys' fees.

It is my belief that selection of was not an accident as and are members of the same association and ultimately ended up charging the outrageous amount of for the custody evaluation.

In his last ruling, appointed a Safe haven per hour therapist, not covered by the parties insurance, this after finding the parties indigent in one of his rulings (while knowing the other party has over in their bank account) and having been provided with my application for disability, application for state funded insurance and order for court fees deferral.

Rule 2.15 – Responding to judicial and Lawyer Misconduct

is aware that the other party' counsel has committed fraud, by providing the court for the purpose of the trial an affidavit of financial information dated from which contains fraudulent information. acknowledged the fraud but refused to rule on it.

in open court stated to me that he did not wanted to hear anything about fraud, yet awarding the other party an hourly income of per hour gross, when I provided the court with the other party invoices showing they charge their customers per hour.

For all the reasons stated above, it is my belief that I have been in this case the victim of judicial misconduct, perpetrated by the Honorable

**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.**