

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-018

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Judge:

Complainant:

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**ORDER**

The complainant alleged that one superior court judge was biased against him, forced him to represent himself, failed to afford him an opportunity to be heard, retaliated against him for filing a judicial conduct complaint, and made improper rulings in a family law matter. The complainant alleged a second superior court judge was biased against him, retaliated against him for filing a judicial conduct complaint, and made improper rulings in a family law matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judicial officers 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 judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officers 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 member Art Hinshaw did not participate in the consideration of this matter.

Dated: March 5, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie  
Margaret H. Downie  
Executive Director

Copies of this order were distributed to all appropriate persons on March 5, 2018.

*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.

It saddens me to have to file this complaint with the Commission of Judicial Conduct. It saddens me because not only am I a Victim of prolonged emotional abuse and parental alienation from my (now-ex)-wife of 20+ years, but she has "passed the torch" to these judges in AZ. Our justice system is supposed to be impartial, and have the perspective and wisdom to examine both sides of the story and "see" the truth. Further, when substantiated allegations of spousal abuse and parental alienation are raised, appropriate care and diligence to protect all parties should be taken. Further, all litigants are to be treated fairly, whether they are represented by an attorney or not. Unfortunately, this case reveals that this is not the case.

A review of the docket in this Case will show that this has not been the case. For most of this Case, I have been forced to be a "pro se" litigant. \_\_\_\_\_ ensured that when she allowed my attorney to withdraw from the Case just 5 days prior to the Trial, which had been scheduled for \_\_\_\_\_. She allowed my attorney to withdraw, despite my opposition, without having done anything to prepare for the Trial. Further, she refused a subsequent request to continue the Trial so that I might have time to try to find another attorney or prepare to represent myself. At that point, I was effectively forced to "move ahead with the Trial", despite not having any pre-trial documents completed, or any other substantial preparation done. I had no attorney to help me, nor any experience with the Law. I was so frustrated and beaten down, first by the years of emotional abuse I had endured, and then by this mistreatment by the Court. I could not believe what I was hearing! I had no recourse to express this frustration but to leave the "trial" in protest. "Decree" states that I returned to the courtroom twice. I only did so because I wanted to state on the record why I was leaving, and how I felt I was being mistreated. I was so flustered at that time that I forgot to even leave the partial "pre-trial statement" that I had worked many hours to prepare, so I returned briefly again to leave the document... clearly had a prejudice against me, and did not appreciate my protest. She thus abused her power to hold a "sham" of a trial and rule against me on all counts. She further "twisted the knife" by awarding spousal maintenance, child support, and attorney's fees at such an exorbitant level to ensure that I could not afford an attorney going forward. I was devastated.

I had to liquidate one of my childhood IRA accounts to afford an attorney to help me file an Appeal. But, that money lasted just 2 months, with little to show for it but the initial filing. I had to proceed with the \_\_\_\_\_ on my own. I did my best to present my case to the \_\_\_\_\_ but it was no surprise that the \_\_\_\_\_ ruled in \_\_\_\_\_ favor, as she was careful to "spin" the events of that day such that it looked she did not act with prejudice or bias. After more than a year in \_\_\_\_\_ my \_\_\_\_\_ was denied.

Paramount through all of this, it's worth stating that during the \_\_\_\_\_ years of this case, I have been carrying an unbelievable emotional burden:

- In \_\_\_\_\_ I had to leave the family home to escape the years of emotional abuse and parental alienation I had endured. I was very depressed, and my situation seemed hopeless. I checked into a behavioral health facility to get help.
- In \_\_\_\_\_ a judge in this case stripped me of my parental rights, ignoring the treatment that I had received and the professional diagnosis I had provided. He did this during a hearing that I could not even attend because he did not properly inform the parties. \_\_\_\_\_ further refused to order Mother to be psychologically assessed, despite the allegations and evidence of emotional abuse. When I called to try to get an explanation for what had just happened, \_\_\_\_\_ tried to cover himself by alleging (falsely) that I had threatened him. This spun me into a whole year of having to defend my innocence before that case was finally dismissed.
- In \_\_\_\_\_ while still reeling from the inappropriate decisions that \_\_\_\_\_ had made, my sister, \_\_\_\_\_ passed away unexpectedly. My (ex-) wife refused to allow me to tell my children about her passing. She also refused to allow my brother to tell them. She then dropped the Children off at \_\_\_\_\_ funeral without telling them anything, forcing the Children to endure the shock of their \_\_\_\_\_ death during the funeral. The fact that \_\_\_\_\_ not only allowed this to happen, but then looked the other way is shocking. Isn't \_\_\_\_\_ supposed to have the Best Interests of the Children as it's prime directive?
- In \_\_\_\_\_ our family was reeling in the aftermath of \_\_\_\_\_ death. She had a \_\_\_\_\_ and the boy's father (who never married \_\_\_\_\_) was out of the picture. I had to try to emotionally support \_\_\_\_\_ through this tragedy, even while in the midst of my own emotional state. This Court stripped me of my parental rights with my own Children, yet looked the other way as I stepped up for my \_\_\_\_\_ in his time of need. \_\_\_\_\_ relocated to \_\_\_\_\_ to live with his \_\_\_\_\_ my brother and sister-in-law. They took him in, despite having two very young children of their own.

- In \_\_\_\_\_ reluctantly postponed the Trial because the Vocational Assessment had not been completed - and because I had hired an attorney. However, \_\_\_\_\_ later blamed me for the Vocational Assessment not being done. Over the ensuing months, she revealed her prejudice and bullied my attorney. But, \_\_\_\_\_ also refused to allow the Children to spend any time with Father's family over the Holidays to grieve the family's loss.

- In \_\_\_\_\_ my attorney requested to withdraw from the case, and \_\_\_\_\_ allowed it to happen just 5 days prior to the Trial. In doing so, she also allowed the attorney to not fulfill his duty and prepare anything (or help me prepare anything) for the trial.

- In \_\_\_\_\_ my \_\_\_\_\_ died suddenly at the age of \_\_\_\_\_. He left his widow, \_\_\_\_\_ to raise two small children \_\_\_\_\_ as well as our \_\_\_\_\_ whom they had legally adopted after his mother \_\_\_\_\_ had passed on. \_\_\_\_\_ allowed Mother (Petitioner) to prevent the Children from traveling to \_\_\_\_\_ for their beloved \_\_\_\_\_ funeral. Similarly, \_\_\_\_\_ looked the other way as the Children were prevented from sharing any time at all with Father, including the holiday seasons.

After the Decision came down from the \_\_\_\_\_ Father was further dismayed by the \_\_\_\_\_ process. How can a Father who had been such a loving and devoted Father to these children be so misunderstood? \_\_\_\_\_ allowed themselves to be manipulated by Mother. Throughout the three plus years that this case has dragged on, Father has NEVER been afforded an opportunity by this Court to fairly present his side of the story, to share in person the depth of the emotional abuse and parental alienation that he has endured, to allow testimony from those who know Father about what a good person and great father I am. Nor has the Court given the Children, the ones most impacted by this Court's decisions to speak for themselves. Yet, Mother's allegations of "domestic violence" were heard and believed, even though because of the nature of the Trial that this Court was responsible for meant that those allegations were purely "hearsay", with no opportunity for cross-examination. Is this the type of "justice" that the CJC members really are in support of? Is this really what you expected when you wanted to become a judge? If you think what has transpired with this Case is anything resembling "justice", then I implore you to please do some volunteer work with the kids in our community, because they will help you gain some perspective on what is truly important in our world.

This Court ( \_\_\_\_\_ are so infatuated with the logistics of this "court game" that they have lost faith in the "big picture". The Court has never heard, or seemingly, been interested in hearing "what actually happened". Why has this marriage of 20+ years and 3 intelligent children gone bad? Father claims to have been emotionally abused and that Mother has been perpetrating "parental alienation", why? Father has been an involved father in his children's lives their whole life, yet he's angry that he has not been heard, why? Father claims he cannot afford an attorney. Yet, when he had an attorney, they didn't help his cause, which caused Father to get more frustrated. Why?

I am making this complaint with the CJC, not because of the rulings and the decisions that these judges made, because I know that is outside the CJC's purview to change orders. But, I strongly believe that what the CJC needs to consider is why were all of these rulings and orders made? What (further) damage would have been done in the Case had the \_\_\_\_\_ trial been continued to ensure a "fair trial"? The man just lost his attorney 5 days before Trial!! What the CJC needs to consider is whether \_\_\_\_\_ had an "ax to grind" with Father that caused them to lose their impartiality, and therefore cause them to abuse their power in ruling so unfairly. \_\_\_\_\_ has been so cavalier in his time on the Case, refusing to take the opportunity to ask these questions. Instead, he chose to introduce unnecessary delays that had zero benefit, and only caused financial burden to both parties.

The CJC may agree with \_\_\_\_\_ that the tone of some of Father's pleadings were inappropriate. But, when you consider the "bigger picture" of what Father has endured throughout this process, can you blame for becoming frustrated and lashing out when he is not being heard? Even if you don't agree that Father was emotionally abused by Mother and that she has been alienating the children from him (he was, and they have been), Father has had his family life destroyed. Furthermore, he has endured great personal tragedy with the loss of both a \_\_\_\_\_ and has had to step up during a time of great personal anguish to help the grieving teenage son of his \_\_\_\_\_ He had to do it again and put his life on hold to help his \_\_\_\_\_ grieve the loss of her husband while raising two toddlers and a teenager on her own. Father's response during these times of tragedy reveal his true character - character that is consistent with family life, and consistent with the feedback this Court would receive about Father, if they only allowed him to share it.

But now, \_\_\_\_\_ has taken the same path that \_\_\_\_\_ has, trying to put Father down with criminal contempt allegations. ("Order Entered By Court", \_\_\_\_\_). Again, instead, why not simply ask "why is Father behaving this way?" Has this Court ever even listened to him? Why has the Court let it get to this point?

I respectfully ask the CJC... Father needs help. Yet, as a pro se, he is being persecuted but this Court, just as he was when he did have an attorney. Is this \_\_\_\_\_ interested in finding the answer to these questions, or is this Court really so blinded by "the law" that it doesn't matter what's happened to Father and his family that its conscience is clear. Please, open your minds, and open your hearts - if not for Father's sake, for the Children's sake. PLEASE let these judges know that their conduct has been inappropriate as well. They have allowed themselves to be manipulated by a master manipulator, and have been conned into abusing their unchecked power in vindication against Father. They have siphoned off >60% of Father's income, making it impossible for him to hire another attorney. What is more important, the lives of the Children, or the egos of these judges? Regardless, I respectfully ask that you pray for the Children (if that is in your nature); they (and Father) have endured a LOT. They need help too.

Regards, \_\_\_\_\_