

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-256

Judge:

Complainants:

ORDER

The complainants alleged a superior court judge delayed a ruling on a child support matter, showed favoritism to the opposing party, and failed to afford them an opportunity to be heard.

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

Dated: January 29, 2019

Copies of this order were distributed to all appropriate persons on January 29, 2019.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2018-256

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

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; my ex spouse and I had a final court settlement with custody and child support modification. Judge has been our Judge for . I have more than one issue with this Judge that I would like to address but I will first address the one.

In my lawyer, , created an official court document of child support and custody arrangements . my ex spouse, signed this document as well as I and my lawyer submitted it to the of the Court a. My lawyer and I have been waiting for my child support to be increased on a basis , but it never has. My ex spouse has reached out to me through my children over the phone asking about the extra child support that is allotted to her. For

I did not know what the reason was to why the did not move further with the document. I asked my lawyer as soon as my ex spouse asked me why she has not been receiving this child support, and my lawyer did all the correct steps to submit the signed document. In I received a certified letter from petitioning to modify child support because se has not received the correct amount and the way the judge has set up visitation, I have not been able to visit my children in . It has also been due to my work schedule. This pertains more to the next complaint I have. At this point, I decided it was a good idea to make a lot of phone calls to find out what has happened with the settlement that was signed by both parties. I first called the . I was told that the settlement was specifically sitting on Judge desk and it still has not been signed yet by the Judge. That was all it needed and then

the settlement would be sent to [redacted] for the amount to be garnished out of my paychecks. My lawyer's office also called the [redacted] and was told the exact same thing. The [redacted] that called the [redacted] was also told that [redacted], whom has been my lawyer once before, will work on getting this submitted since Judge [redacted] would make sure it goes to the [redacted]. The [redacted] also told my [redacted] that the signed settlement had been Judge [redacted] since [redacted]. At this point, I just waited [redacted] for it to be completed. I saw that the correct amount was still not being garnished from my wages. The last week of [redacted], I called [redacted] to see if it went through. They stated that they still have not received it. I called [redacted] once again in the [redacted] of [redacted]. I was told again that the agreement is still on Judge [redacted] and [redacted] and that they would make sure it went through the proper channels and get to the [redacted]. A [redacted]; I called [redacted] back again and she told me that I should call the [redacted] per the [redacted]. After calling the [redacted] several times and leaving several messages, I finally got a hold of [redacted]. Today, I received an email from my lawyer's office from [redacted] stating that my ex spouse, [redacted], is petitioning me back to court to modify child support. When I spoke with [redacted] today, she told me that the agreement was sent to [redacted]. I was confused by this so I called [redacted] and she told me that it had not been sent to [redacted] and that she would see that the agreement would be sent back to the Judge's office and then sent to [redacted].

[redacted] works in the same building as Judge [redacted] as a [redacted]. This is not what I am basing it off of. I have been told by my [redacted], over the phone, that his mom and Judge [redacted] has had everything planned out together for my court hearings. [redacted] has eluded to a [redacted] relationship happening. I once asked her if what my children told me is true and she said "[redacted]" instead of saying no. When my [redacted] lived with my wife and I, they told us that their mom is [redacted] and that [redacted] court hearings with taking me back to court. My [redacted]

[redacted] in the past had to put an order of protection on [redacted] because [redacted] has instructed the [redacted] that lived with us to do violent things to the child that [redacted] and I had, who is [redacted] now. The order of protection went into effect [redacted]. I will go into more detail about this in another paragraph. Both sons who lived with [redacted] and [redacted]

, have told us that their mom wants them to make up "
" and they told us that they knew they will be talking to the judge
before we even knew I was going back to court. told
a lot of things that was said at their mom's home but
I will talk about this more later down below. submitted a request
to the Judge to have talk to him. My lawyer put in
petitions to not let the Judge have an in camera interview with
told me that judges will not bring in
the court to talk to them and that it is very uncommon because it is not
good. I was under the impression that they would not be
going in to talk to the Judge, but Judge granted
request to do this.

Recently, I have been very concerned for safety. I
found out that there was a very big fight at their residence while my
children were there. I will attach the police report. boyfriend,
his brother, and another person was in a huge physical fight. There was
punching and blood everywhere according to the police report. Several
neighbors called the police on them. At one point, the fight went out into
the front yard. claims that they were not
involved and drinking. According to the whole house
parties often on the weekend and who is
drinks often. I was also told by them that
I tried
bringing this up to the judge in the past but he did not find it important.
When I have visited, they said that there was blood everywhere
in the home during this incident. They have also told me that has
not been nice to them and does not spend any of his money on them.
was the one of the people arrested and is still going back to court
right now. I called about this at this time. The is
said she went out to interview all the
children at home. I told her that I have the police report. She
told me that she was going to try to get it. A month later,
called me again to ask me more questions about her parenting,
and her mental health. Someone else put a complaint out to for
as well. has a long list and history with

My last official court hearing was in
at this time and she stayed home with our
and her has never been to a court
hearing with Judge. At this time, have been
living with. They have been living with my
At
this hearing I had a criminal record of being charged with
a police incident report of my hitting

**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.**