

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-258

Complainant: No. 1295610653A

Judge: No. 1295610653B

ORDER

The commission reviewed the complaint and found no misconduct on the part of the judge. The issues raised are solely legal or appellate in nature. If a judge makes an incorrect ruling or misinterprets the evidence, the correct remedy is to appeal to a court with appropriate jurisdiction.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: November 1, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 1, 2006.

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

CJC-06-258

COMPLAINT AGAINST A JUDGE

Your name: [redacted] Judge's name: [redacted] 8/5/06

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

[redacted] Superior Court [redacted] Judge [redacted]
[redacted] courtroom. Judge [redacted] 'without' knowing any-
thing about my 4-month old stated I demonstrate a
difficulty managing my day to day affairs. Judge [redacted]
does not know that [redacted] purposely makes appointments,
like the one with [redacted] during the times I
told him I was not available. In regards to my son,
[redacted] tardies and absences following my oversight
across my son wanted to meet with the judge in
private chambers and Judge [redacted] said He does not
talk to children. My son [redacted] has repeatedly asked for
more visitation time with me and because of his
limited time with me becomes upset and does not want
to go to his father's. [redacted] has asked for equal time
with both parents, a fair and equal amount of time.
However, NO ONE will listen to [redacted] and that includes
Judge [redacted]. He sent [redacted] to a therapeutic
interventionist who did not talk to [redacted], ask him
questions as to what he wanted, who he wanted to
be with re: visitation, he never talked to him he
colored with him, did puzzles, and played games. [redacted]
said he never asked him questions regarding the
visitation or anything pertaining to the reason he
was sent to see him. Judge [redacted] repeatedly brought
up my 4-month old during the court proceedings.
He kept saying that because I have my 4-month old

See Attachment 1

(Attach additional sheets as needed)

I would not want to take the time out of my day to get us all up, ready, and take [] to school. He kept bringing up my then 4-month old son throughout the entire court proceedings asking me what I am going to do as my son gets older. He stated I was not going to want to deal with getting us up, ready and get in the car to take [] to school.

Judge [] has no right to tell me what I am going to want to do or not do. [] and [] are BOTH my sons and I will do whatever I need to do for my children. There are a lot of mothers that do these things everyday. Judge [] had no right to tell me what I was going to want to do. Regarding [] age, he is old enough to know what he wants. For a while now, about 3 years, he has been saying HE DOES NOT WANT TO LIVE WITH HIS FATHER BUT, NO ONE WILL LISTEN TO HIM! Judge [] stated to me that Arizona does not have an actual age limit on when a child can decide who he wants to live with. He stated he wanted to put [] in therapy to make sure [] was sure of his feelings and what he wanted. For years [] has been repeatedly saying he wants to live with me, his mother, and visit his father. He has never once changed his mind or statement regarding where he wants to live. [] is positive regarding this decision. He wants to live with me, his mother. [] has said all this could be solved with two simple words from his father, "O.K., YES", and we would not have to continue going to court, having me and his father always arguing, having [] always upset, crying and worried. That is pretty intelligent for him and his age. [] father ignores him and I listen to him.

So, I try and do something and I ended up with Judge [] I thought Judge [] was going to take the time to listen to [] I also thought Judge [] would listen to changes that had been made. One of the changes made was that [] School changed their start time from 7:05 am last year to 8:05 am this year. If he was concerned enough about [] and asked if anything had changed he would have known the time school started had changed and the time [] has to get up also changed. Judge [] also asked me what time [] gets up for school when he is with me and he said [] isn't going to want to get up at that time. How did he know if [] would want to get up at that time or not? However, [] gets up for school the same time whether he is with me or his father. The difference is with me I drive him to school and with his father he has to get up at the same time to be able to take the bus. So, [] has to get up the same time no matter who he is with! Judge [] did not ask what time [] woke up at his father's house only what time he woke up at my house.

Since, the new school year was going to start in August Judge [] should have set up another trial period for us to see how the new time adjustment was going with school and checked [] tardy's and absences. Instead, Judge [] took my overnight visitation away from me and my son and he also took an additional day away from me and my son. He took a Thursday every other week away from me and my son. Judge [] does not even understand what he has done! Especially to [] He is very upset, depressed, crying all the time, angry, especially with Judge [] and the courts, because he always hopes he will be listen to and heard regarding what HE WANTS! And NO ONE EVER HELPS! They ALWAYS make things worse! Judge [] has made decisions and choices regarding [] life that are seriously affecting him! Judge [] was more than unfair in his decisions. Judge [] DID NOT have [] best interests in mind!!

Judge [] was on [] side right from the beginning and that is the way he continued through this entire process. I was under the impression that Judge [] was supposed to be an impartial third party who would help [] HE DID NOT DO THAT! I am the one who listens to [] I PUT [] FIRST! I filed the motion because it is what [] asked me to. [] asked me to PLEASE! DO whatever I could to help him so he could live with me and visit his father. His father doesn't put [] first, he doesn't listen to him. His father uses [] as a way of hurting me. His father knows he is also hurting [] but, he knows how much he is hurting me and he is not going to stop using [] to hurt me. I tried to explain that to Judge [] but, he did not listen.

He also didn't listen to the fact that [] is afraid of his father! [] lives in constant fear of his father and what he will do or how he will react. I am the person who sits with [] and talks to him, I understand what he wants and doesn't want. I understand his feelings and I LOVE HIM VERY MUCH! It hurts me to see what [] is going through! I can't just stand by and watch [] hurting and not help him! It hurts to see your child hurting and no one will help! I try to do what [] asks me to do but, there is something wrong when you file a motion, get a Judge that already has his mind set from the beginning, and you end up with things worse than before you even started.

Why is it like this? Who/where do I need to go to in order to get help for my son? It doesn't help to go to court! That has been proven! And I don't mean therapy either! Court Appointed therapy has not worked! I am putting him in therapy on my own! I mean someone who will listen to my son and help him get the things he wants because; he DOES KNOW WHAT HE WANTS! HE WANTS TO LIVE WITH ME (HIS MOTHER) and visit his father and that is why I filed and went before Judge [] That was a big mistake! And, I will help my son anyway I can! I am extremely upset regarding Judge [] He has made my son's life worse, not better.

Something needs to be done! What can I do to help my son? Judge [] has seriously impacted my son's life and also mine. I need to know what can be done regarding Judge [] conduct. I feel he made decisions without having and knowing all the appropriate facts. And that can, does, and DID cause serious problems! Now I have to continue working with a system that I feel doesn't work well. Most of all I feel a big part of this was and is because of Judge [] and I seriously hope someone else doesn't have to go through what I am going through mainly because of him.. And Judge [] statement to me that "This is not as monumental as you think" was inappropriate! Again, how does he know? He makes a ruling, case closed, and on to the next case for him. I feel Judge [] was extremely inappropriate, unprofessional, and uncaring. The system shouldn't work the way it does when you are dealing with people's lives. The decisions made impact people's everyday lives. People have real feelings and people hurt. When having to deal with these things the people involved, including my son should be able to talk to the person who is making decisions about his life.

When I asked Judge [] if he would talk to my son he said 'he does not talk to children'. Why didn't he appoint a guardian ad litem for my son? Judge [] knew that was something that was very important. I am so disappointed with the whole court

CJC-06-258

process and the system. It does not seem to be set up to help the people who come to the Judges for help.

Sincerely,



P.S. I have also written a letter to Governor Napolitano.