

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-102

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Complainant: No. 1308110099A

Judge: No. 1308110099B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: August 28, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on August 28, 2007.

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

4/12/2007

I had an order to appear before Judge [ ] on [ ] in reference to child visitation and custody. I live in [ ] and my ex-husband lives in Arizona. The divorce was in [ ] in [ ] My ex-husband, who is the respondent in this case, initiated the motion before the court. To put things in perspective, I need to go back a couple of years and recap this case. There was a hearing around [ ] concerning a motion for a change in custody. I had an attorney that I hired previously to represent me for a child support modification hearing that my ex-husband initiated. There was a motion for change in child custody that my ex-husband filed, immediately proceeding the child support modification hearing. My attorney apparently assumed I wasn't going to have him represent me, so he asked the Judge to have himself removed from the case. He was granted permission, and left. The proceedings then went on without me there. My attorney neglected to inform me of this case. I had no knowledge that this Judge ordered a change in custody ex-parte. When I received the minute order from the Court, I contacted my attorney, who, in an effort to save face, had an emergency hearing in front of another Judge to have Judge [ ] orders vacated. So another Judge trumped Judge [ ] orders that day. This is the context in which Judge [ ] has been involved. The case before the Judge [ ] is a continuation of that child custody case.

The Court issued an order for me to appear with my daughter, who is [ ] and the subject of this child custody issue, to appear in Court on [ ] I was given only a few days to make arrangements to be there. Traveling from [ ] I got mixed up about the time zone differences. I arrived about 20 minutes late and the Court was in session. Judge [ ] announced that I was in contempt for withholding visitation and was changing custody that day, as well as ordering me to pay Respondent all cost, attorney fees and child support. I interrupted the Judge and said I meant no disrespect, but I want to be heard in this Court. He complained to me about his schedule and how I have caused his other cases to be delayed. I asked if he would at least let my daughter speak. He reluctantly allowed her to speak. He allowed me to ask her questions since I wasn't able to get an attorney on such short notice.

Judge [ ] started asking my daughter questions. The demeanor of his questions were very condescending and intimidating. My daughter tried to explain to him why she did not want to move away from her family in [ ] to live in Arizona. My daughter, who is [ ] and not able to

take this kind of treatment, was visibly frightened and upset. She was crying so hard she could not speak. The Judge kept asking her questions, but she couldn't answer because she was crying. My daughter is definitely afraid of her father, and does not want to be with him. The Judge's demeanor became abusive toward her. He raised his voice and in mocking sarcasm, throwing his arms in the air, would say, Oh poor [redacted] you wont be able to go to your prom. Oh poor [redacted] you wont be able to go on your mission trip with your church. Oh poor [redacted] you wont be able to graduate from your high school in [redacted] This conduct is violating Canon 3 of the code of conduct; particularly part B (4). Then he began to threaten her by telling her that he would come after her if she refused to go live with her father. Then he threatened her by having me put in jail if she did not comply with his orders. Near the end of the hearing Judge [redacted] made a comment about a conversation he had with another Judge who presided over this divorce case many years ago. This Judge must not remember that he ruled in favor of the minor children and me at the time because Judge [redacted] remark show he came away from that conversation with a very negative impression of me. I feel that this caused him bias and prejudice towards me. This is another violation of the rules of conduct in Canon 3 part 7. Throughout this proceeding my daughter and I felt intimidated, threatened, and bullied by the Judge and the Respondents counsel. I now have an attorney, and he seems to be stonewalled by this Judge. This case is leaving everyone wondering what is going on. I have come upon information that the reason a hearing in [redacted] on this matter was rescheduled was because Judge [redacted] was in some kind of drug or alcohol rehab treatment. I wonder if he still is having problems with his addiction. The demeanor I witnessed sure seemed like it. I am enclosing copies of documents to support what I'm saying. I will get a copy of the audio transcript to you as soon as possible so you can hear for yourselves what I'm telling you about in this letter.

*Sincerely,*

[redacted]