

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-124

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Complainant: No. 1334910254A

Judge: No. 1334910254B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. The judge was not aware of the complainant's relationship with staff and was not informed that there was a related superior court case.

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

Dated: December 12, 2008.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on December 12, 2008.

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

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

FOR OFFICE USE ONLY

CJC-08-124

COMPLAINT AGAINST A JUDGE

Date: May 13, 08

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.

My minor daughter (age 15) of whom I have sole, seperate, legal custody of. (see attached custody order) Went from our home in for a Spring Break vacation to Az. There she was to spend one week. During her visit she would stay at the residence of (her maternal grandfather) and her father (sharing the residence) at ave. Az. When I arrived in at the end of her stay to take her home, her Grandfather & Father kept persisting to me to let her stay in and live with them. I first kindly declined, then I had to become very insistent that as her custodial parent, she would certainly be coming home with me the next morning. The next morning her Grandfather would not allow me to obtain my daughter. My 1/2 sister, currently a "Judicial Employee" at court, not only suggested, but completely filled out the nec. paperwork to obtain an emergency order of protection. knowing full well that I had a custody order from Superior Court in knowingly filing for an Emergency Hearing on a matter that was obviously out of Jurisdiction. Furthermore, acting as counsel to my daughter, informed the presiding Judge that my local whereabouts was unknown, which was untrue, as she

(Attach additional sheets as needed)

\* "A Fair And Independant Court System is essential to the administration Of Justice."

<sup>130541</sup>  
 I was well aware of my exact whereabouts, as I sat ignorant completely to this entire fiasco. I am appalled at least that on such a very serious matter that a Judge would not only have an "Emergency Hearing" EX-PARTE, but w/ out even looking into the matter at all, actually granting an Order Of Protection to a 15 year old minor as sole petitioner against thier own custodial parent, 3 forms completed in full by a Judicial Employee w/ in his own court - furthermore related to the minor petitioner and the unknowing Respondent (myself). Very clearly it's easy to question isn't this a very obvious (and serious) Conflict Of Interest on behalf?

Not to mention, that the accusations written in the Request (by were not only ENTIRELY W/OUT VALIDATION! Complete Lies, Slander, They were also humiliating to me. Very humiliating.. \* See attached copy of "Request For Hearing" and "Order Of Protection"

Humiliated, heartbroken and very perplexed I immediately contacted a Family Lawyer in (several actually) all offering a seemingly simple solution. Obtain a copy of my Custody Order, take it to the local Police Dept in have the P.D. assist me in obtaining my daughter as it is true that a Magistrate Order Of Protection may not interfere w/ a Superior Court Order Of Custody? Correct? However, this approach did not work, The local P.D. would not even consider investigating the matter, Simply put by them - as long as that Order was signed by Judge I could have no contact with my daughter. So plan B...

I went to Magistrate Court accompanied by my friend to request my right to a hearing on this outlandish Order of Protection. As appalling and unjust as this sounds,

DENIED ME MY RIGHT TO A HEARING upon my request. She simply said "The Judge won't allow you a hearing." She would not assist me by assigning another Judicial Employee to discuss the matter.

She simply advised me there was nothing I could do about it. As a single mother of 3 children I did not have money to obtain private counsel, although I did consult w/ 3 different attorneys for advice and I researched countless hours. It was apparent to me (after 3 trips from to ) that was certainly correct on one

thing. "There was nothing I could do w/ in the uncly walls of Magistrate. So another trip I could not afford I made to to request a hearing to change of venue on the entire

matter which thankfully was granted and a court date set to vacate the Order Of Protection (court docs attached)

Although I had hoped for a much sooner court date. So, Judge Superior Court, immediately notified Magistrate that the entire case was now to be handled by him.

as scheduled I appeared in Superior Court, Judge

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(Finally) as Judge explained sternly that an Order Of Protection is not suppose to be used to interfere w/ custodial rights. Plain and simple, he vacated the "Magistrate Order Of Protection" At last - after 5 wks. of complete chaos, financial destruction, not to mention the extreme upset 5 wks. of constant "brainwashing" this matter has inflicted on my 15 yr. old daughter, also several wks. of absence from school. I am no attorney, however I have studied many hours on the matter, and I am quite certain I have been treated extremely unjust for so many reasons. The integrity of Magistrate judiciary I have been so humiliated publicly! My rights as a US citizen were completely revoked! I must find some sort of consolation to myself, knowing I have done whatever I am able to do, to see that this matter is looked into very closely by this commission, to be certain that such unprofessional & unjust behavior may certainly not go w/ out consequence. Not only for myself but for each citizen that will encounter a matter w/ in the Magistrate Court. Although my opinion may not matter on the consequence of such actions, as far as I am concerned at this point I will settle for nothing less than the removal of as a Judicial Employee. And, I am filing a civil suit at this time against The City Of

A2. Code Of Conduct for Judicial Employees  
 "A Fair and Independent Court system is essential to the administration of Justice."

\* Judicial Employees shall maintain and observe the highest standards of integrity, and honesty "

\* Abuse of Position: J.E. shall not use their position to secure special privileges or exemptions

\* A J.E. shall not disclose any confidential information received in the course of official duties

\* Remarks can seriously prejudice a case or harm a persons standing in the community. ARS 38-504B

\* J.E shall not advise a particular course of action.

\* J.E may assist to complete forms **ONLY WITH FACTUAL INFORMATION.**

\* J.E should not advise citizens whether to take a particular course of action or attempt to answer questions outside their knowledge.

\* J.E shall not communicate personal knowledge about the facts of a pending case to the judge assigned, and shall not make or repeat remarks about a case

I have completed this complaint to the best of my capabilities. Please excuse my handwritten forms in todays age of computers and spell check. I am in hopes the commission will give this matter very serious & prompt attention