

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-274

Complainant: No. 1347810741A

Judge: No. 1347810741B

ORDER

The commission reviewed the complaint filed in this matter as well as the recording of the proceeding and found no evidence of ethical misconduct on the part of the judge.

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

Dated: March 6, 2009.

FOR THE COMMISSION

Executive Director

Copies of this order were mailed to the complainant and the judge on March 6, 2009.

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

Judge [redacted] has proven herself to be bias on many accounts with my court case. Her actions have breached the lines of integrity and fairness.

[redacted] we had a Resolution Management Conference where we were to set a date for the evidentiary hearing. During this phase Judge [redacted] heard direct testimony from [redacted] alleging that I was not allowing her to see our daughter [redacted] Judge [redacted] looked at me and questioned "why". The judge didn't ask if the allegation was true, she immediately assumed it to be true. My response was that [redacted] has all access to our daughter as per our original custody arrangement.

The next step was to decide on a date for the evidentiary hearing. [redacted] had contested the first date selected as she told the judge that it conflicted with her wedding plans as she had family coming from out of town. The date [redacted] was agreed upon.

[redacted] we had a court evidentiary hearing in regards to my three children [redacted] We knew that we only had an hour to conclude our hearing. Judge [redacted] opened up the session by attributing dialogue to [redacted] congratulating her on her recent marriage. This dialogue was inappropriate considering our time constraints, not to mention the immediate portrayal (one of many) of biasness.

During the trial, [redacted] was allowed to ask me questions while I was on the stand, during re-direct. It was during this process that Judge [redacted] allowed direct testimony from [redacted] as she was refuting every answer that I had given while I was on the stand. The Judge allowed this direct testimony, by [redacted] during re-direct, to go without the judge's intervention for an extended period of time. This, once again, showed the Judges biasness as it was not [redacted] turn to give direct testimony. Her position was to simply ask me questions and have me answer. Dialogue continued back and forth until Judge [redacted] finally intervened, but not until after [redacted] argued her position.

Once [redacted] was on the stand, my attorney was afforded the opportunity to ask [redacted] questions. Since [redacted] did not have representation, Judge [redacted] took it upon herself to act as [redacted] council and ask her questions in regards to [redacted] position. This conversation appeared to be an exclusive conversation between Judge [redacted] and [redacted] After a few moments, my attorney had to interject and ask that their conversation be conferred to the entire court as we could not hear the dialogue. My attorney had asked that [redacted] speak into the microphone so that we can hear her testimony. The judge agreed, but only after my attorney's interjection.

After [redacted] testimony, Judge [redacted] had asked [redacted] if she had any witnesses to call upon the stand. [redacted] recognized that we were running short on time and declined to call upon her witness. Judge [redacted] then concluded the hearing without ever giving me the same opportunity to call my witness. It should be noted that I had one witness that I needed to call to the stand, [redacted] I am outraged that [redacted] was given the opportunity to call a witness, an opportunity that was never afforded to me, yet another example of Judge [redacted] biasness.

During the trial, my attorney showed the court that we had a pre-trial agreement in regards to my oldest daughter, [redacted] and I agreed that [redacted] would spend her time primarily with the father and would ALTERNATE weekends with her mother, starting on noon on Saturdays until return to school on Mondays.

In addition, the parties agreed in court as to the arrearage that is owed by mother as [redacted] has been living with me (father)

Furthermore, it was agreed that mother shall pay father child support in the amount of \$306.95 and that fathers child support to mother shall cease. These agreements would later be overruled by Judge

[redacted] we received the minutes outlining the Judge's rulings. First, Judge [redacted] failed to recognize the pretrial agreement signed by both parties and ruled that [redacted] will go with mother EVERY weekend starting on noon Saturdays until return to school on Mondays. This action made my daughter and the rest of our household extremely upset. This was an agreement that was made by both parties and should not have been overruled by the judge.

Second, Judge [redacted] failed to order payment by the mother to the father of arrearage of child support of \$4,690.00. This amount was discussed in court and was calculated to the amount

Third, there was no order in the minutes that outlined that my child support to her would cease, which left me paying child support to [redacted] and then having [redacted] paying me her obligation.

I had been checking my pay statements to see if the child support would cease, but they never stopped taking money from my check. Finally, I called clearinghouse as well as my employer who stated that only the judge can make such arrangements and they could do nothing for me since it was not reflected in the minutes. I then called Judge [redacted] office several times to get all this corrected. Each time I was met with opposition by her staff. They had indicated to that they would only speak to my attorney. They indicated that my attorney had to file a separate motion to appeal the ruling. This would have cost me several hundreds of dollars in attorney's fees to correct this mishandling by the judge. Furthermore they indicated that they don't show an existing order for me to pay child support. I argued that I have been paying child support [redacted] They concluded that the judge cannot stop child support payments that do not exist. This incompetency caused much frustration, anger and undue stress, when an amendment would have easily fixed the problem.

It was only after many phone calls to the [redacted] courts research department, we were able to find the original order for child support. The research department sent a copy to the judge's office so the judge can commence with the amendment to cease child support by the father. This is work that should have been done by Judge [redacted] office.

I received the minutes in regards to my case. The minutes only reflected the first issue of my daughter having ALTERNATING weekends with her mother. The other two issues (of arrearage and stop order of child support) were never addressed in the minutes. This prompted other phone calls by me to the judge's office. Many of my phone calls were left unanswered, as they never returned my calls to settle this issue, an issue that was supposedly settled in the [redacted] hearing. Finally, I spoke to Judge [redacted] secretary who said she will give it to the judge once again for review.

Finally, [redacted] I received a minute entry amending the order to reflect the correct arrearage to be paid by the mother to the father as well as the order to stop the father's child support obligation. This ruling came our three months after the original court hearing in March. Three months of paying child support when, in fact, I shouldn't have been.

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In conclusion, Judge actions and inactions have proven to be bias and incompetent. I have felt as though my family and I have been victimized over and over by this judge and her staff. My children, wife and I walked into her court in hopes of receiving fairness and empathy, but instead we got biasness and an outright unwillingness to do the right thing. This case should have been an earmark for good fathers that put their children's best interest first, but instead it's an earmark of biasness against fathers. I hope that this issue is looked into to prevent more good fathers from such victimization.