

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-336

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Complainant: No. 1380600271A

Judge: No. 1380600271B

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**ORDER**

The complainant alleged the judge demonstrated bias and poor judicial demeanor. After reviewing the judge's response and the recordings of the hearing, the commission found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 21, 2010.

FOR THE COMMISSION

\s\ Keith Stott

\_\_\_\_\_  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2010.

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

November 6, 2009

Arizona Commission on Judicial Conduct  
1510 W. Washington, Suite 229  
Phoenix, AZ 85007

RE: Complaint against Judge \_\_\_\_\_ in the divorce case of \_\_\_\_\_ versus  
(Case # FC 2007- \_\_\_\_\_ ).

\_\_\_\_\_ filed for divorce based on a false accusation that \_\_\_\_\_ molested their daughter about five years ago.

The children's names are \_\_\_\_\_

Submitted on behalf of \_\_\_\_\_ by his father,

Officers of the Commission:

Please accept this as a formal complaint against Maricopa County Superior Court Judge \_\_\_\_\_

Because of the serious nature of the \_\_\_\_\_ children's welfare I ask that you act upon this complaint without delay. Because of Judge \_\_\_\_\_ incompetence, prejudice and bias, these children are living with a mentally unstable mother and are potentially in harm's way. While Judge \_\_\_\_\_ may believe her decisions were made in the best interest of \_\_\_\_\_ and the children, \_\_\_\_\_ substantial evidence clearly shows \_\_\_\_\_ orders and decrees are wrong and have been very harmful to these children. If you will listen to the court's records of the hearings and trial and note the exhibits, you cannot avoid coming to the conclusion that Judge \_\_\_\_\_ is strongly biased in favor of \_\_\_\_\_ and prejudiced against the \_\_\_\_\_ possibly because of Judge \_\_\_\_\_ gender bias.

The record will show that Judge \_\_\_\_\_ has not adhered to ethical court conduct; rather, she has conducted her court according to her emotions disregarding evidence and true facts. I realize that we cannot file a complaint just because we disagree with a judge's decisions. This complaint is about her breaking the Code of Judicial Conduct in ways where a mistrial should be declared. A partial definition of mistrial is "...or mistake prejudicing the outcome". Prejudice is just one of the issues that calls for removal of \_\_\_\_\_ from the bench.

Here is a summary of the Code of Judicial Conduct September 1, 2009, Canon Sections upon which our complaint is based:

Rule 1.2 Integrity and Impartiality

- Judge \_\_\_\_\_ displayed a lack of impartiality many times during pre-trial hearings and during the trial. In several instances the judge's demeanor was not very professional; rather it was emotionally immature.

Rule 2.2, 2.3, 2.6 and 2.9

- Judge \_\_\_\_\_ interrupted testimony of the respondent with an emotional outburst that was totally out of line expressing abnormal attitude toward normal sexual behavior in a marriage. This outburst showed that \_\_\_\_\_ had no chance of a fair trial because of Judge \_\_\_\_\_ prejudice.

- Judge [redacted] interrupted the testimony of [redacted] questioning her statement, acting as her attorney, repeatedly asking if she didn't want to change her statement. [redacted] repeated this questioning and leading until she coerced [redacted] to change her statement resulting in an unfair conclusion. This judge was leading and coercing [redacted] to change her statement. Judge [redacted] was effective in turning [redacted] against her husband.

Some detail is warranted here. A year before the divorce [redacted] sued his former partner in business (civil suit). His partner had "cooked the books" and stole a lot of money from [redacted] would both have benefited if [redacted] had won the suite. In the divorce trial [redacted] said that she agreed to split the cost of the attorney's fees for the civil suit. This was the right and fair thing to do. It was during this testimony when Judge [redacted] interrupted [redacted] coercing her into changing her statement that she would not split the legal fees.

- Judge [redacted] was flippant and sarcastic at certain times. She would make strange facial expressions showing dislike to what was said during questioning of a witness. She was discourteous to the respondent's attorney regarding time being spent during the trial. She stated she was not going to read through the exhibits and evidence.
- Being prejudiced, the judge routinely overruled [redacted] attorney's objections to questioning by [redacted] attorney, while when [redacted] attorney objected to some line of questioning by [redacted] attorney, the objection was sustained.
- Judge [redacted] denied the respondent's attorney the time he asked for to give a proper defense. This was a very complicated trial and could not be heard in the six hours allotted. There was no way [redacted] attorney could have questioned psychologists or others regarding the psychotic episodes which were substantiated in medical and hospital records. Recently I learned of a divorce trial where false sexual charges were made. That trial lasted four days. [redacted] attorney requested two days, but Judge [redacted] denied this request.
- Judge [redacted] denied testimony of [redacted] near the end of the trial. [redacted] attorney asked "Is there anything else you would like the Judge to know?" Judge [redacted] immediately stopped [redacted] from testifying and said I won't allow that as he could say anything and so [redacted] could not testify. Just this one infraction of the Code should render the trial as invalid and [redacted] removed from the bench.
- Ex-Parte Communications: During a pre-trial hearing there was a person in the courtroom who was thought to be following/stalking the petitioner's attorney. So, Judge [redacted] moved the proceedings from the courtroom to the judge's office. [redacted] and those of my family members didn't know what was going on as [redacted] gave no explanation to us. Judge [redacted] should have had this stranger removed from the courtroom instead of hiding the proceedings from the [redacted] and his witnesses.

I hope that this commission does not limit its willingness to only consider specific, narrowly focused infractions of the code. You must also look at the overall negative effect poor judgment brings on the outcome of the entire case and the far reaching effect on the families. Please read the following pages as the details therein show the effect as well as important detail showing the judge's errors, prejudice and bias. I have included provable history which show the lies and false accusations of the petitioner. The result of all this is that the [redacted] court does not promote "confidence in the justice system" (RULE 2.1.2).

The primary focus of this divorce was on the alleged child molestation by [redacted] of his Daughter [redacted]. This was a false accusation made by [redacted] in November, 2007. Investigations by Phoenix police and Child Protective services resulted in the determination that Jim was falsely accused. I have heard that her medical and hospital records show very psychotic behavior. I have been told that while in the hospital she acted out weird and sexually immoral behavior. A doctor said she was psychotic and could do something potentially dangerous. Judge [redacted] had these records, but stated in trial that she was not going to go through them. No competent, fair and objective judge would have arrived at the same judgment and decrees as Judge [redacted] did considering this evidence.

Recently I talked to [redacted] father and mother. The mother said that she "loved [redacted] like a son". She added that "[redacted] should never have agreed to psychological testing. He should have fought to prove his innocence." Even [redacted] mother knew [redacted] was not guilty of Molesting [redacted]. Neither my wife nor I have ever received a phone call or a letter from [redacted] or her family telling us that [redacted] has done something wrong.

There was not one bit of evidence showing that [redacted] was guilty of any act of abuse toward his children, yet Judge [redacted] maintaining her bias and pre-determined guilt of [redacted] has illegally caused [redacted] to be separated from his children. I am not exaggerating that these children are being hurt by the orders and decrees of this judge. On a very recent supervised visit, [redacted] said the children were broken hearted – questioning why their father is not doing anything about the separation.

Because of [redacted] prejudice and bias against [redacted] and her disregarding evidence, the children live with a mother who, besides being mentally unstable, has been sexually unfaithful to her husband, has allowed at least one other man stay in their house through the night, many, many times. Not knowing what kind of character this is, the children could be in potential harm's way.

We have now learned that one of [redacted] sisters is living with her and the children. This sister is divorced, has been on drugs and is also mentally unstable such that she has threatened suicide at least twice. The children now live with two unstable women. [redacted] did tell her father "this was bad" when she saw a strange man staying at their home. However, Judge [redacted] to this day maintains that [redacted] is a threat to the children and his contact with them must be supervised.

[redacted] obtained an Order of Protection against [redacted] based on the false accusation. She used her daughter as a "weapon" selfishly to gain an advantage in court.

Judge [redacted] in a pre-trial hearing, ordered [redacted] to have supervised visitation. This has been enforced for nearly two years. Although evidence given to the court that proved [redacted] was in no way a child molester, Judge [redacted] kept this unfair order in place. Many times after a visitation period, when the children left with their mother, they were crying because they wanted to stay with their father. The cost for supervised visitation has exceeded \$16,000! All an unnecessary

In addition, [redacted] has forced Jim into a critical financial situation. The judge's determination of the amount of alimony [redacted] should pay was based on [redacted] testimony, only. [redacted] made between \$7000 and \$8000 per month, yet written evidence of income tax statements and pay stub proved that Jim's pay was about \$3000 per month. [redacted] has her own hair styling business where she makes at least \$50,000

annually. Judge            showed favor toward            by ignoring the AFI's. She set alimony slightly above the amount that            said she needed to meet all expences, \$1500.            decision was made without validating Charlotte's claims of expenses.

If it were not for my giving substantial financial support to my son, he most likely would have filed for bankruptcy. I am over seventy years old and now have had to use a large sum from my retirement funds and that because of injustice.

And one more thing Judge            did that may cost me a great portion of my retirement funds. I invested trust money from my inheritance in a home in order to earn some extra income. That home was only being managed by            for me, holding the property in his LLC to protect the trust from liability. Without questioning or considering evidence, Judge            ordered my property to be sold and half the sale price be given to            This was a prejudiced decree in favor of            I have had to hire a lawyer and spend more money to sue            in hopes of retaining my property.

                 testified in a hearing that after the divorce was filed, her lawyer,            asked her to get money (\$60,000) from their joint home equity credit line to pay her attorney's fees. This was very clear in testimony, yet Judge            took no action against the petitioner or her lawyer. We have been told this is unethical and most likely an illegal act by the lawyer. The judge should have taken action against and Ms.            but she did not.

Isn't            false accusation against            and filing a false complaint with CPS and Phoenix PD punishable? Since there was evidence to prove this shouldn't Judge            have taken action against            did nothing but stubbornly, with bias, hold Jim as the guilty one and make decisions and decrees in            favor.

Families must be protected from biased judges such as            In our case, the children have been seriously hurt and a good father penalized by a judge who has a prejudiced attitude. I want to describe the emotional outburst the judge made during the trial. I mentioned this as the first point under RULE 2.3(B). This event shows to me that Judge            has a definite gender bias against the man.

Charlotte complained that she disliked Jim fondling her breasts. She made a lying statement that            did this in public, embarrassing her. When it was            time on the stand to answer this, he gave a morally, decent testimony about what he would do on occasion when he returned home from work.            was testifying how, at times, he would hug his wife from behind while she was working in the kitchen. Interrupting            on the witness stand, with obvious upset, Judge            burst out angrily saying that            advances toward            were wrong or inappropriate. What? I come to no other conclusion but that Judge            has a dislike toward men an in abnormal way. This emotional outburst confirms what I have said that this judge has gender bias – very strong gender bias. In researching            background, we learned that she attended an all-girls college. This adds more credence to the claim that she has an abnormal attitude against men.

Charlotte was unfaithful to            in that she had sex with other men. When a person is having an affair or just "playing around" it is common for that person to begin to dislike their mate (explained by psychologists). I believe this is why            rejected            normal touching of her breasts. I will repeat what I said before that Judge            was upset with Jim's "improper conduct". Consider that            had breast implants.

Why does a woman do this? Unless it is a prosthetic, it is solely for showing an enhanced female figure. In this case, it was not intended to be more attractive to [redacted] but to others. [redacted] angry testimony about touching her and the judge's support of a lying accusation shows Judge [redacted] bias.

I know this Commission cannot change a Judge's decrees, nor declare a mistrial. [redacted] has a new attorney who is filing for an appeal. He has a hearing set for Dec. 15 with Judge [redacted], appealing the unfair alimony. In a brief hearing two weeks ago, meeting with [redacted] to set up the Dec. 15<sup>th</sup> hearing, Judge [redacted] showed herself to be flippant, sarcastic and rude. She was upset that anyone would challenge her decrees.

I do not believe, nor does [redacted] attorney, that we can ever get a fair hearing or be heard fairly with [redacted] as the Judge. Therefore, I am asking that this Commission suspend Judge [redacted] prior to the hearing. I ask that another judge be assigned to this case.

Remember the state of these children – that they are living with a mother who has said she doesn't want them; a mother who has been violent (threw a knife at [redacted]). They live without their father and see him only twice a week for a total time of less than three hours. [redacted] cannot ask his children what is happening at home or if [redacted] has hurt them. It is against visitation rules. The authorities want to be sure [redacted] doesn't hurt the children, but [redacted] as free to do as she pleases to her children in any way.

There was a trial where [redacted] was the judge. One of the attorneys learned that Judge [redacted] husband was on a board with the company that was this attorney's opponent. To further show that Judge [redacted] cares not about the Code of Conduct, but continues her arrogant and self-centered ways, she did not disqualify herself as she should have. This attorney had to demand in court that [redacted] disqualify herself. Here again, Judge [redacted] disregard for the Code of Conduct is evident.

This Commission can and must remove Judge [redacted] from office. Action must be taken immediately. It has come to my attention that Maricopa County could be held liable for the harm caused to the children, because they did not remove this judge a long time ago. In my son's search for a new attorney, he learned from about seven lawyers that they always reject [redacted] when they learn that she is assigned to their case.

Respectfully submitted, [redacted]