

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-083

Complainant: No. 1389310435A

Judge: No. 1389310435B

ORDER

The complainant alleged a superior court judge demonstrated bias by improperly chastising a litigant in the case, failing to ensure a self-represented party received discovery documents, and ignoring two key issues. After analyzing the allegations, the response from the judge, and the relevant recordings of the proceedings, the commission found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 21, 2010.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

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

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

March 31, 2010

To Whom it May Concern:

On March 29, 2010, I was witness to an injustice in Court Room 3A, at 1:30 p.m. with Judge _____ presiding. This hearing was DO 2007-_____ vs _____ . The Respondent was represented by his attorney, Mr. _____, and the Petitioner, _____ represented herself Pro Se. Because _____ is my daughter, my brother and I attended to give moral support and to consult with Tracy should she need it. I will now address the issues.

Issue one: Judge _____ demonstrated *bias* when he began the hearing stating that he had received a letter from Little Tree Family Services recommending that _____ continue to have supervised visitation (after 2 1/2 years) and that he was of the opinion to agree with said recommendation. This was stated before Tracy even had a chance to state her argument.

Issue two: Judge _____ was made aware that _____ did not have a copy of said letter to which he referred. Respondent and his attorney had a copy of the letter but _____ Petitioner did not. Judge _____ stated that she would be given a copy. He never indicated when she would get the copy and she never did during or immediately following the hearing. In fact, at the writing of this request for a review, the letter has still not been received. This is in *violation of the rules of discovery*. The judge then continued on with the hearing.

Issue three: When a person comes to the court *Pro Se*, the presiding Judge is charged with protecting their rights. Judge _____ **failed to protect rights. In fact, Judge _____ chastised _____ for consulting with family members to get some advice on how to procede given the Judge's comments.** He further indicated that she was not able to represent herself without help and so it was further proof that supervised visitation should still be imposed. _____ was being **bullied by the judge!**

Issue four: The motion being heard on this date included a letter from a Doctor that _____ has been seeing for a year. Judge _____ **did not** give this letter the weight it deserved. In fact, he challenged the information provided by the doctor asking how he knew she had been taking her medications regularly. Instead, Judge _____ **gave more weight** to the letter provided by Little Tree Family Services which _____ had never even seen. I might add here also that the Manager of the Little Tree Family Services has only a degree in Social Work. Little Tree Family Services also stands to profit monitarily whereas the Doctor treating _____ does not.

Issue Five: The motion included the issue of contempt on the part of the Respondent concerning the extra visitation requested which was unreasonably denied and a request for a Guardian ad Litem to protect the children's rights to both parents. **These two issues were totally ignored by Judge _____**

Therefore, it is highly unlikely _____ can receive a fair hearing/trial in Pinal County. A motion for a change of Venue will be filed on her behalf. I pray it will be granted to give her a fair chance to bring her case before an impartial judge and have her parenting rights restored.

I respectfully submit this for your review.

Another witness to this was _____ my brother.