

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-100

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Complainant: No. 1390910435A

Judge: No. 1390910435B

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**ORDER**

The complainant alleged a superior court judge demonstrated bias by improperly chastising a litigant, 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

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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.*

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

**COMPLAINT AGAINST A JUDGE****Your name:****Judge's name:****Date:** 03/29/2010

**Instructions:** Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

- 1) At the start of this hearing, Petitioner acting Pro Se as she is indigent and cannot afford an attorney, was made aware that the court had received a letter from Little Tree with a recommendation not to grant unsupervised visitation.
- 2) Petitioner advised court that she did not have a copy of aforementioned report from Little Tree, although both the court and respondent's attorney had copies, and petitioner asked for a copy to wit the judge advised that she could have a copy by the end of the day. It should be noted that as of this date, 04/18/2010, petitioner still has not been provided a copy of said letter from Little Tree.
- 3) Page 3 of transcript, the judge said "My orders today would be you simply continue with Little Tree and then as soon as they recommend---I'll set another review as soon as they believe that all the issues they've addressed have been appropriately remedied and that you then be granted unsupervised."
- 4) Not only was crucial evidence withheld from me at this hearing, but the judge was and is bias as should be noted by his decision made prior to me even submitting any of my evidence.
- 5) As a paralegal and an associate member of the State Bar of Texas, I was and am truly appalled by this judge's actions. I have never before experienced such BIAS from a judge.
- 6) Page 8 of the official transcript, "the judge will have the record reflect twice now your relatives have come up to try to confer with you. That tells me that you're not ready for unsupervised visitation. If you have difficulty in this hearing alone, I don't believe that you have the skills yet. And again, if your family has to intervene during this proceeding, then they obviously have great concerns with your ability to manage your own affairs. "BIAS"
- 7) This judge is aware that Tracy Bailey is indigent and cannot afford an attorney and has no choice but to represent herself Pro Se. The judge has a duty and obligation to ensure her rights are protected and to assist her, "NOT CHASTISE" her because her family attempts to assist her in court.

- 8) When Ms. Bailey presented evidence on page 8 and 9 of transcript of Respondents Contempt of court by denying petitioner any additional visitation with her children, the judge turned the issue back to Tracy by saying on page 9 "So unsupervised or supervised would not have changed it, correct? Excuse me, if I had been able to assist my niece, I would have advised her to point out to the judge that it is his responsibility to prevent the Respondent from being in contempt of court and to ensure that she as per the court's order on visitation, "not be unreasonably denied additional visitation." Just because Tracy is not an attorney, she did not know what to say, although I would have. In my humble opinion, the judge had the duty and obligation to protect her interests and not attack her.
- 9) On page 10 and 11 of the official transcript, Ms. Bailey spoke about the letter from 2 PhD's who have treated her for over a year supporting that she be given unsupervised visitation with her children as she presents no danger to herself or her children. It should be noted here that the judge addressed this by attacking the letter from the 2 PhD's by suggesting they should have been doing blood or urinalysis tests to ensure Tracy is in fact taking her medication. It should be noted here that Dr. Garcia has made us aware that neither test, blood nor urinalysis, would detect the drug she is taking for anti-depressants. Another instance of pure BIAS by this judge against Tracy Bailey. I ask you, how can a judge give more weight to a social worker whose only interactions with Petitioner is when petitioner pays her for visitations with her children than a PhD who has been treating Petitioner for over a year? Furthermore, Family Little Tree has a vested financial interest in keeping supervised visitation; it is to say, at the least a self serving interest. On the other hand, a PhD who has been treating Tracy for over a year and has consistently been checking with Tracy's mother to see if she is religiously taking her medications, in my humble opinion, holds more weight than a Social Worker whose only concern is a financial concern.
- 10) Page 15 of the official transcript, the judge denied unsupervised visitation with her children, based on a letter from Family Little Tree. It should be noted that the judge failed to rule on the 2 contemptuous acts by respondent by interfering with additional visitation with her children over the Christmas Holiday. Furthermore, Petitioner requested remedies asked for "A guardian Ad Litem be appointed for the children to represent their true interests to the court." The judge failed to rule on this proper request as well as the request that respondent be held in contempt of court by denying additional visitation with the children over the Christmas Holiday.
- 11) Furthermore, in the judge's decision, he suggests that Family Little Tree is the deciding factor on whether or not Tracy Bailey be given unsupervised visitation. Please refer to Exhibit "H", Page 1, the court "modified the Order of Protection providing visitation by mother by an individual to be approved by both parties or alternatively by an individual selected by this court after nomination by the parties. The costs of supervision shall be paid by mother." It is especially important here to note that the court in no way advised either party that the individual selected for visitation be given the authority to decide when unsupervised visitation should be concluded. In my humble opinion, Honorable Judge \_\_\_\_\_ is a judge rampant with BIAS who has forgotten what his duties and responsibilities are.