

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-215

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Complainant: No. 1425610284A

Judge: No. 1425610284B

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**ORDER**

The complainant alleged that a superior court judge was biased, unprofessional, and made inappropriate statements in court proceedings.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After thoroughly reviewing the information provided by the complainant and listening to the recordings of all hearings, the members of the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: October 20, 2011.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 20, 2011.

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

Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix AZ 85007

Re: Judicial Misconduct, Yuma

Dear Commissioners:

I request that Judge \_\_\_\_\_ be removed from future proceedings in the case regarding my son \_\_\_\_\_ since the first hearing (June 2010), Judge \_\_\_\_\_ has demonstrated a *pattern of egregious judicial misconduct*, consistently ruling in a *manner antithetical to the impartiality and fairness* required in the judiciary. Judge \_\_\_\_\_ words and conduct toward me exhibit an *astounding degree of personal dislike, bias, and prejudice* in the form of *denigrating slurs and insults*. Worse yet, Judge \_\_\_\_\_ *intentionally disregards the law* in order to advantage the party whom she blatantly favors.

Following are details concerning these statements.

In October 2009, my 14 year old son Jack ( \_\_\_\_\_ ) and I left San Diego (where I worked as a college professor) and came to Arizona to care for my 89 year old mother, who has alzheimers. Here, Jack started using cocaine; his behavior became progressively more violent and erratic. When Jack physically attacked me, knocking me down and breaking my glasses, I pressed charges, hoping that he would get the intervention he needed; however, Jack continued to live with me (as I wished him to).

At the June 2010 hearing, Judge \_\_\_\_\_ displayed what I considered a very puzzling personal antipathy toward myself: her manner was hostile, rude, and abrasive. I am an animal-lover: I have a poodle, setter, and terrier, cats, fish, and a French Lop house rabbit which uses a litter box when it is out of its cage. Apparently, Judge \_\_\_\_\_ is not an animal-lover. She told me that I was "wierd" for having a house rabbit, that she

"had never heard of such a thing" and that "normal people did not do stuff like that." I breed Flamepoint Siamese; Judge [redacted] was particularly outraged by the revelation that, at the time of the CPS home-visit, I was caring for a litter of abandoned kittens in the pull-out drawer under the oven.

Judge [redacted] decided that Jack should be sent to live with his biological father, Patrick [redacted] a drug-user (meth, coke, and marijuana) who had never been in Jack's life. (This decision was based on false information provided to CPS by Mark, who lied about his living arrangements and drug-habits.) When I objected, stating that Mark was a drug-user, Judge [redacted] informed me that that was "impossible: Mark is drug-tested in his job as school bus-driver, and therefore it is impossible for him to use illegal drugs." It is curious that a judge, whose job it is to deal with drug-users, would be unaware of the plethora of easily available commercial products designed to enable bus-drivers to pass even surprise drug-tests. This lack of common knowledge on the part of Judge [redacted] fits into a pattern which runs throughout this case: she arrogantly makes uninformed and sweeping judgements based not on reality.

Judge [redacted] asked me if Jack had ever had a psychological assessment. Although since the age of 18 months, Jack has been under the long-term care of various psychologists, psychiatrists, neurologists, and eye specialists (he's extremely low-vision, close to legally blind, and requires monitoring by an ophthalmologist -- which he has not received in the last eighteen months), I was not able to share any of this information because, after asking the question, Judge [redacted] immediately cut me off when I began my response. I began by stating that Jack had been diagnosed as Oppositional-Defiant. Judge [redacted] laughed scornfully at this and arrogantly informed me that "all teenagers are oppositional-defiant." Judge [redacted] did not permit me to speak of Jack's behavioral and medical problems for which child-psychologists, neurologists, ophthalmologist, etc, had treated him since the age of 18 months; instead, she indicated her belief that Jack's problems were simply all my fault, a judgement which she has persisted in clinging to over the last 15 months while Jack has been under her control.

I find it extraordinary that Judge [redacted] should presume to pass herself off as a medical expert. This, however, is a pattern of arrogant behavior which she has long exhibited, and for which she was reprimanded by your Commission in 2010 (Complaint 09-304, [redacted]).

When I insisted that Jack would be in a very bad environment with Mark, a drug-user, Judge \_\_\_\_\_ said to Jack, who was there in the courtroom: "Jack, what would you do if you saw your dad do anything illegal?"

Jack: "What?" (Jack had met his "dad" just prior to the hearing.)

Judge \_\_\_\_\_ "Jack, if you saw your dad do anything illegal, you would pick up the phone and call 911, wouldn't you?"

Jack, obviously astonished at this bizarre, leading statement: "Ummm ... yeah."

Judge \_\_\_\_\_ triumphantly: "*That's* the right answer!"

This particular bit of dialog (which may be confirmed by accessing the recording of the 12 June 2010 hearing) encapsulates Judge \_\_\_\_\_ tenuous grasp of reality: she arbitrarily decided to send a very troubled, drug-abusing 14 year old boy to live in a very remote area with a drug-user who was a complete stranger (because of his drug addiction, Mark had never been in Jack's life), and Judge \_\_\_\_\_ apparently thought that Jack would follow her off-the-cuff orders to "pick up the phone and call 911" when Mark brought out the drugs.

When I objected to Judge \_\_\_\_\_ extraordinary lack of good sense (which, by arbitrarily sending my son off to live with a drug-using stranger, was putting Jack into real danger), Judge \_\_\_\_\_ told me to go get a psychiatric evaluation. (I duly complied: Dr. Lloyd confirmed that there was nothing wrong with my grasp of reality. That document should be in the case file.)

June 12, 2010, Jack was sent to Boulevard, California, to live with Mark, who would not let him use the house phone to communicate with me.

In March 2011, Jack called me on a friend's phone and asked me to please help him: he had run away because, as he explained to me, he was tired of living with drug-users. The small shack he lived in with Mark and Mark's girlfriend lived in has no toilet, no shower; Jack's bedroom, the walk-in closet. In the interest of brevity, I will not repeat details of this episode, which should be contained in the case file (unless the documentation has been removed from the file). According the Probation Officer Orneles, it was at this point that Mark formally requested that CA CPS "get this kid out

of here." Soon after this episode, Jack was sent to live in a drug rehab facility, Phoenix House.

At Phoenix House, Mark would not allow Jack to contact me (no doubt because he did not want Jack to discuss Mark's on-going drug use). When, at a hearing several months ago, I asked the Judge to let me communicate with my son, she told me that she had given Mark full custody and, if Mark didn't feel like letting me talk to Jack, then I couldn't talk to him: that's all there was to it. This *intentional disregard of the law constitutes egregious judicial misconduct*. Until Judge \_\_\_\_\_ sent Jack to live out-of-state with a drug-using stranger I had full legal and physical custody of Jack from birth, with no incidents of abuse nor neglect. Because of her arbitrary personal dislike of me, Judge \_\_\_\_\_ has been and continues to be an active participant in *parental alienation*: at this point, Jack, who has been in Phoenix House for more than four months, does not want to talk to me: he is on psychiatric meds; at the latest telephonic hearing, sounded like a zombie; and, from what I have been told, a whole array of false memories have been inculcated which have convinced him that he hates me.

It is unconscionable that a juvenile judge, who is charged with the noble duty of protecting young people, should so actively – and gratuitously -- work to destroy the mother-son bond.

At a telephonic hearing a couple of months ago, I begged to be allowed to communicate with Jack. As mentioned earlier, Judge \_\_\_\_\_ told me that it was entirely up to Mark, to whom she had given custody: at that time, Judge \_\_\_\_\_ specifically instructed Mark *that he did not have to let me talk with Jack*. At a more recent telephonic hearing, I again begged to be allowed to talk to Jack on the phone, at that time. Judge \_\_\_\_\_ refused, saying that she knew that I would say something "inappropriate." Later in that hearing, again I begged to be allowed to talk with Jack, and Judge \_\_\_\_\_ decided: "You can say no more than two sentences to Jack."

Jack is a cat-lover: he loves cats even more than I do. Cats have always constituted a mutually-pleasant conversational topic. When I saw Jack in March, he had been most interested in news regarding the cats. Therefore, I knew that the best use of the precious *two sentences* which Judge \_\_\_\_\_ had granted me would be to mention the cats.

I said: "Hello, Jack! Remember Little Piggy, the orphan Flamepoint? You should see him -- he's very beautiful." That's how I used my two allotted sentences.

Judge                shook her head and once again told me that I was not-normal: "Any normal mom would say 'I love you and miss you.'"

Is this how a Juvenile Judge should perform her duties, particularly during the course of a telephonic hearing in which the juvenile is on the phone? No, it is not: Judge                unconscionably cruel, tyrannical, spiteful, hateful, arrogant, and ignorant behavior is part of an *pattern of egregious judicial misconduct* which has already been brought to the attention of the Commission on Judicial Conduct and has already resulted in at least one formal reprimand. Judge                active role in parental alienation (instructing Mark that he does not have to let me communicate with Jack, and denigrating me more than once in front of Jack in both personal and telephonic hearings) constitutes an *egregious and intentional disregard of the law*.

During the April hearing, I testified that the County of San Diego had investigated Mark's dwelling place and had formally told him and his landlord that the residence (and the property as a whole) was in violation of zoning and code laws: the very small hovel which Jack lived in with Mark and Mark's girlfriend did not have a toilet, and did not have a shower. (Jack's bedroom was a small, unvented walk-in closet where Mark and his girlfriend stored their clothing and dirty laundry.) Mr. Balke, a San Diego Code Enforcement officer, had officially cited the structure and had told Mark and his friend Mr. Simmons, the owner of the property, that the structure had to be brought up to code or be removed (i.e., it was condemned). Judge                was not particularly interested in this information. She asked Mark: "Is there any truth to these wild accusations?"

Mark: "None at all, your Honor. Absolutely not. Rosalie is always making wild accusations."

Judge                nodding: "All right, then."

Myself: "It's a matter of public record. I'll provide the documentation."

Judge suddenly off on a tangent: "Well, your place doesn't have a toilet."

This is mind-boggling! Both AZ CPS (in 2010) and the Probation Officer, Daniel Orneles (in April 2011) had documented that my mother's house (which Jack & I moved to in 2009), an architecturally-significant historic building constructed in 1880, certainly has a working toilet, a working shower, abundant running water, a fully-equipped kitchen, and is cooled by working refrigeration (AC window units) in half the house and swamp coolers in the other half. This information is in the case file but Judge flung out this bizarre attack: "Your place doesn't have a toilet."

It is bizarre comments like this which lead me to strongly suspect that Judge is *cognitively-impaired by some mental, emotional, or physical condition*.

I duly provided the documentation regarding the illegal conditions of Jack's residence with Mark. I did this in the form of Points and Authorities and Duces Tecum, which were properly-served on Mark and copies of which were personally given to the receptionists of both Judge and PO Orneles. Officer Orneles investigated my assertions regarding the substandard conditions of Jack's residence with Mark (he interviewed San Diego Code Enforcement Officer Balke) and confirmed the truth of my claim: no toilet, no shower, no running water. (He did not discuss Jack's bedroom, the unvented walk-in closet where Mark and the girlfriend keep their clothes and dirty laundry.)

At the most recent hearing (19 August 19), when Officer Orneles informed Judge that there were indeed "problems" with the residence, the Judge asked Mark if there was any truth to that assertion. Again, Mark denied the fact of substandard conditions. At that point, Judge literally waved it away: quite obviously, Judge was not interested in the truth when the truth served to impeach the party she had favored from the beginning, even when the factual documentation came from an officer of the court.

At this hearing, I again begged to be allowed to talk with Jack. Judge assented after telling me: "*Don't* talk about bunnies or kitties."

At this hearing, it was revealed that Jack is on psychiatric meds. I expressed my opposition to this course of treatment, and Judge \_\_\_\_\_ told me that "if kids like Jack didn't have Prozac, they would self-medicate" and the Phoenix House psychiatrist was monitoring Jack. In point of fact, Phoenix House has never requested any information regarding Jack's medical history. When I called Phoenix House in early May to ask if he were well, Director Elizabeth Urquhart actually laughed and said: "I can neither confirm nor deny anything. If Mark wants to put you on the list of interested parties, that's entirely up to him." Based on Judge \_\_\_\_\_ unaccountable bias against me and her instruction to Mark that he need never let me communicate with Jack, I have been entirely cut out of Jack's life: at this point, due to meds and "talk therapy," Jack has been convinced that he hates me. Now that Jack has been totally alienated from me, Mark has given permission for Jack to call me; however, Jack does not want to talk to me now. This is all a direct result of Judge \_\_\_\_\_ judicial decisions and instructions based on bias.

During this 19 August hearing, Judge \_\_\_\_\_ extended Jack's probation to 20 October and expressed her fear that, once Jack is off probation and out of her jurisdiction (i.e., when full legal and physical custody reverts to me, per San Diego Family Court prior ruling), "Rosalie will just go and get him -- at which point, CPS will have to be called in." Judge \_\_\_\_\_ has made it clear from the very beginning that she does not want me involved in Jack's life. She has never explained her rationale for this unreasoning dislike which borders on irrational contempt for me.

Several months ago, in a telephonic hearing, Judge \_\_\_\_\_ briefly instructed Mark, alluding to some prior conversation between them regarding his going to San Diego Family Court and obtaining custody. That is one of the reasons I served Mark the Points and Authorities and Duces Tecum: Mark's answers to these documents will clearly show his gross unsuitability to hold custody, and I wanted him to understand that early on. I have, several times, begged Mark to discuss future custody and visitation arrangements but every time, he has told me that there is *no need of that* because Judge \_\_\_\_\_ has *already decided* that Jack will be with Mark. Judge \_\_\_\_\_ has explicitly given her stamp of approval to the Phoenix House "family re-unification counseling sessions" which include only Jack, Mark, and his girlfriend: the Phoenix House Director and Jack's counselor/case-manager have both informed me that, as *it has*

*already been decided* (by Judge ) that I have permanently lost custody of Jack, there is absolutely no reason to include me in any counseling sessions with him.

At the 19 August hearing, Judge said that, if Mark and I do not get together and agree to custody arrangements, she will have to place Jack under the care of CPS (with the implicit understanding that, per her wishes, CPS will place Jack with Mark). Judge charged Probation Officer Orneles with figuring out which CPS agency (California or Arizona) is to be involved.

I strenuously stated that I was sure that Mark and I could get together on this; Mark, on the other hand, just as strenuously informed the Judge that he was sure we could not agree on custody. Judge repeated her intention to (through CPS) place Jack with Mark if we could not come to an agreement: a blatant incentive to Mark to not engage in any discussion with me regarding custody. At that point, I told Mark that I would call him that evening to discuss custody.

That evening, I called Mark and left a message that I would like to discuss the custody, per Judge directive, and that I would call back later that evening. Not surprisingly, when I called back, I found that my phone number was blocked. Obviously, Mark understands that there is no reason to discuss anything because Judge has already decided that Jack is to be permanently removed from my custody.

None of this is legal. None of this is ethical.

Jack's probation is slated to end 20 October 2011. I request that, because of the urgency of this matter, Judge be removed from this case and that it be reassigned to a judge who is willing and able to abide by the Arizona Code of Judicial Conduct. Judge judgement is patently impaired: because of her faulty judgement, my son Jack was sent first to live with strangers in a condemned shack with no toilet, no shower, no bedroom, and then to Phoenix House where he was forbidden communication with me, put on Prozac and, through intensive "therapy" sessions, has "gotten in touch" with formerly non-existent feelings of hatred for me.

Throughout this case, Judge \_\_\_\_\_ has demonstrated a *pattern of egregious judicial misconduct*, consistently ruling in a *manner antithetical to the impartiality and fairness* required in the judiciary. Judge \_\_\_\_\_ words and conduct toward me exhibit an *astounding degree of personal dislike, bias, and prejudice* in the form of *denigrating slurs and insults*. Worse yet, Judge \_\_\_\_\_ *intentionally disregards the law* in order to advantage the party whom she blatantly favors and to successfully effectuate gross parental alienation. Her outrageous behavior has victimized Jack (as well as myself).

And the bottom line is: due to Judge \_\_\_\_\_ *judicial misconduct and deliberate destruction* of my maternal relationship with my son, Jack, a sensitive teenager, has suffered greatly -- both physical deprivations and emotional torment. This is not the proper role of a juvenile judge. Judge \_\_\_\_\_ should be removed from this case, and for the sake of other child-victims, removed from her duties as juvenile judge.

Thank you for your time and attention. I apologize for the length of this letter: I have striven to include the minimal amount of detail. Recordings or transcripts of the hearings will reveal even more incidences of extraordinary judicial misconduct.

Sincerely,

Attached find various supporting documents which I have served on the other party in this matter, copies of which I likewise provided to the Court and which should be in the case file.

CC: This document, Points and Authorities, and Duces Tecum have been served on Judge \_\_\_\_\_ PO Orneles, and Patrick Mark McInerney.