

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-233

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Complainant: No. 1427100450A

Judge: No. 1427100450B

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**ORDER**

The complainants alleged that a pro tem superior court judge demonstrated bias by failing to properly address various issues in a temporary order involving child custody, child support, parenting rights, and a grand parenting visitation request.

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 reviewing the information provided by the complainants and the electronic court record, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of court decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 1, 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 November 1, 2011.

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

RE: D2009

September 11, 2011

## Judicial Review Board Pima County Superior Court

This case was assigned to Judge \_\_\_\_\_ pro tempore, February 1, 2010.  
Here are the observations of the Interveners on the findings of this court.

1. The judge's 38-page opinion (**temporary order**) of 6/17/2011 omitted summary testimony from all five witnesses who appeared in support of a request for grandparent visitation rights. Witnesses omitted: Cathy Demers; Jane Pesquiera; Lee Caplan; \_\_\_\_\_ all duly sworn and testifying at length in open court.
2. The opinion deleted any testimonial reference to Petitioners aggressive behavior outside the courtroom in several confrontations with witnesses.
3. The opinion omitted specific reference to grandparent visitation provided under Arizona statute law.
4. The opinion directed periodic long-distance weekly telephone calls with grandchildren that total less than 60 minutes vs. 7 hours of weekly direct contact under the judge's prior order. We fail to recognize how this intermittent contact provides for sufficient bonding with preschool children.
5. The 2-hour hearing scheduled over visitation rights extended to 12 hours of courtroom time, quadrupling initial legal costs to Interveners.
6. The 38-page opinion extended to all the issues of the Petitioner and none of the Interveners. We suggest this is an unlikely balance of evidence.
7. Outside observers concluded the proceedings were biased in favor of Petitioner and against Respondent and Interveners. Several of these observers have also complained to the Review Board. The trial record shows that Judge throughout acted as Petitioner's advocate by coaching his answers, forgiving deadlines, and ignoring contrary testimony.
8. The temporary order endorsed Petitioner's request to relocate two preschool grandchildren 3000 miles from Respondent's home and from their known extended family. Although this move met Petitioner's purpose, we fail to see how it is in the best interests of the grandchildren. Quoting the State Supreme Court Guidelines:  
Preschool children: *This is an important time for bonding between parents and children. For most children, the loss of strong bond is a life-long issue...long distance separation should be delayed...[and if not] the parenting time schedule should be designed to provide the most direct and frequent physical contact between the child and both parents...* p. 51-52 passim.

We would appreciate a response to this inquiry in a timely manner.  
Yours truly,