

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-303

Complainant: No. 1432510334A

Judge: No. 1432510334B

ORDER

The complainant alleged that a superior court judge made erroneous rulings.

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 all of the information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: December 27, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 27, 2011.

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

COMPLAINT for Alleged Judicial Misconduct

Commissioner

Family Law

Arizona Superior Court, Pima County

2nd Review of Post Decree Parenting Time

Case D-

I allege that Commissioner _____ was not impartial in this case, that she abdicated her disciplinary responsibilities, that she violated my child' s rights as a repeat victim of domestic violence in the State of Arizona, that she contradicted her own rulings, and that she was verbally abusive in court. I allege that as a result she contributed to the permanent emotional scarring of my child, and the further deterioration of an attempted reunification between my child and her father during her childhood. This judicial misconduct caused us significant emotional suffering and time away from family reducing my parenting time and impacting my health and work responsibilities. The protracted and unjust process damaged our financial security. This judicial misconduct caused our family significant hardship also threatening our future safety, because Commissioner _____ failed to hold the defendant responsible.

Lack of impartiality:

- Commissioner allowed the defendants attorney in this case to hand-pick the therapist who would be advising the court on the best interests of the child. The therapist took direction from the court and the defendant' s attorney and refused direction from me as the parent with a legal obligation and responsibility to participate. Arizona State law has protocols for therapy provided to a minor.
- The approved legal fees charged by the defendant' s attorney in this case show a considerable number of hours in consultation with this " expert" who only held four 50 minute therapy sessions with the child (in a 6 month period) before making a recommendation consistent with the defendants' request to the court.
- Note: the therapist' s recommendation contradicted advice from all other court-ordered experts previously testifying on this case.
- In addition, Commissioner refused to allow me to get a referral to a therapist (to be approved by both parents) who accepts the child' s health insurance. Part of my request was to allow for affordable, long-term support during the proposed reunification process. I documented that building a long-standing trusting relationship with a therapist had been

helpful to our child and her father in making past progress. Under domestic violence law for victim' s rights, our child is entitled to healing/ therapy. In addition, the defendant was complaining about financial hardship, and it was he who was under court order to pay for our child' s therapy.

- Commissioner accused me of parental alienation and cited me as the source of my child' s information about her father. In a court filing and in open court, I brought to her attention that my child' s older half-sisters (also children of the defendant) were on the

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I explained that a child who was court-ordered to therapy for several years, who had four older siblings selling a tragic family story on the ; and a child who had been battered by the defendant at the age of 10 and had been through JSP programs, was impossible to protect from thinking there was something wrong with her father. Commissioner was not only trying to hold me accountable for the estranged relationship between my child and her father without considering their history and the evidence, but she was excusing his violent behavior during her review of the case.

Abdication of Disciplinary Responsibilities/Use of Abusive Language:

- When the proceedings began, I reported to Commissioner [redacted] that the legal counsel for the defendant was a partner in a law firm that had reviewed our post-decree issues at my request (with me as the prospective client). I had been referred to the law firm by a friend who escorted me to the office for a consultation. I received advice from the firm. I specifically cited in writing and in open court, a conflict of interest per Arizona State Law. Nothing was said or done about the conflict. I have reported this to the Arizona State Bar.
- During the proceeding, the defendant's attorney, [redacted], repeatedly gave me legal advice, and threatened me with court action when I exercised my legal rights to be present for proceedings outside of family court, or when I reported problems to proper authorities outside the jurisdiction of the family court (e.g. [redacted], the school, the therapist, other courts, State agencies).
- Commissioner [redacted] allowed the defendant's attorney to launch personal attacks against me in writing and in open court, and she joined him by yelling things like " You have ruined your daughter for life! There will be hell to pay!"
- Two family friends, one a licensed attorney and the other a licensed therapist, sat in Commissioner [redacted] court during the proceedings and witnessed the Commissioner's behavior, both exclaiming that the

Commissioner' s angry outbursts about the case were unusually targeted toward me, and she was not focused on the issue of repairing the relationship between my child and her father, or the legal issues. My own attorney said he had never seen a Judge act this way toward a litigant.

Violation of victim' s rights:

- In desperation to get some protection, my child came to Commissioner courtroom escorted by an adult family friend, who is also an attorney. Before any issues were heard, my child stood up and politely requested to speak with the Commissioner on her own behalf. (She was 15 years old at the time.) Commissioner yelled and screamed at her and then at me and had her removed from the court, refusing her any access. Weeks later, Commissioner insisted that my child appear in her chambers for a video interview, but only after my daughter had been hurt. Commissioner both demanded that I answer her questions about my daughter' s wishes and criticized me for not letting my daughter have her own relationship with her father. I was told I could not talk to her. This would have been impossible, since we were also ordered to family therapy to talk about the issues beginning in 2005; and therapy is also a right for victims of domestic violence under State law.

Contradiction of rulings:

- Commissioner ordered JSP exchanged visits in this case, she appointed a best interest attorney in this case, and she ordered that the defendant' s relatives be interviewed. She also ordered that all parties

fully participate in her court orders. JSP documented problems with exchanges between my child and her father in a report to the court. The best interest attorney advised that the court reduce the ruling for 50% parenting time. Her written memo was ignored, and the best interest attorney was allowed to resign from the case at a hearing leaving the child without any legal advocacy even though the court had ordered it was necessary. In addition, the defendant's relatives who ASKED to speak with the best interest attorney and therapist never received a call back. There was no follow-up to these issues.

It was my impression during all of the proceedings that Commissioner had pre-determined her ruling on this case and that her agenda was to discredit me and my child. During her review of this case, the defendant/child's father was involved in two altercations and an arrest at his home; he skipped supervised visitation with our child; he was asked to leave her school campus; he failed to follow court orders regarding scheduling therapy for our child and he failed to stay current with court-ordered therapy payments; he missed a court date; and his attorney claimed he was "going into the poor house" while at the same time they petitioned the court for scheduling changes for his multiple expensive vacations. Commissioner did nothing when these issues were brought to her attention in writing. It took months to get protections in place, after my child was frightened by her father on her school campus in February 2010. Unfortunately, The defendant showed up at my child's school unannounced on November 29, 2011 and again she was so frightened she asked the School Director to ask him to leave.