

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-013

Complainant: No. 1433710034A

Judge: No. 1433710034B

ORDER

The complainant alleged that a superior court judge was biased and made decisions based on improper ex parte communications.

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 complainant and the judge's response, 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 the judge's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 29, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 29, 2012.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY -

2012-013**COMPLAINT AGAINST A JUDGE**

Your name: _____

Judge's name: _____

Date: 12-27-11

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Judge _____ expressed verbally to my daughter (minor _____) that this case was personal to him due to his dislike of motorcyclists. I am a motorcycle enthusiast. When I filed ~~to change~~ a post-Decree modification of custody it was first denied under false accusations of my lack of service to all parties. The clerk admitted this and resubmitted the plea. It was denied again - after the judge arranged a meeting with the child and ~~nonparent~~ nonparent guardians in which myself and petitioner (mother) were not given time and date of or allowed to be present. Grounds for second denial ~~was~~ was lack of significant change or ~~adequate~~ adequate cause for hearing was not established. The minor child stated to me and her mother that she expressed to the judge her desire to reside elsewhere and her increasing emotional stress due to the current arrangements. Also, A significant change occurred between the date of the custody order and the date I filed the request to modify custody. This change

(Attach additional sheets as needed)

being my establishment of
~~a~~ new, ~~and~~ adequate, and permanent
living arrangements for myself
and the minor child. This is
significant because this was
originally the courts main
concern and cause for granting
custody to nonparent custodians.
The nonparent custodians are
my brother and sister in law
and I requested they be granted
custody due to my home being
foreclosed on and the child's
mother seeking custody which
I felt was not in the child's
best interest. Since the order
of custody to nonparents, there
have been several instances
of bias and discrimination
against myself and the child's
mother based on heresay and
unsubstantiated allegations made
by the nonparents to the judge

and judge's secretary in private and outside the court's record. The minor child has been witness to some of these "private discussions" between judge/secretary and non-parents. I feel Judge also displayed prejudice when ordering that the child (15 yrs old) not be allowed to ride on my motorcycle. This was ordered without my input and I feel was based on a "private talk" with the nonparent in which accusations were made and personal beliefs and opinions were shared off the record and without knowledge by myself or petitioner. Therefore Judge ordered this based on hearsay and personal feelings without regard to any other ~~party's~~ party's right to argue or present their side.