

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-173

Complainant: No. 1445100390A

Judge: No. 1445100390B

ORDER

The complainant alleged that a superior court judge made a series of erroneous decisions in her dissolution case and violated federal law by disclosing confidential medical information in the divorce decree.

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, 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 review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 15, 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 August 15, 2012.

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

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

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

On 3/26/2008, Judge _____ calculated the child support as me having a minimum wage job even after being informed that I was unemployed and receiving DES assistance. On 4/30/2008, Judge _____ reprimanded me in open court for the respondent, _____ not participating in visitation, but ignored the fact that the respondent's brother _____ had told us to leave and not return when we tried to drop off the kids for court ordered visitation on 4/5/2008. He ordered me to pay 50% of _____ fees when he had been previously informed that I was unemployed. On 7/24/2008, the judge ignored the fact that the respondent had violated the Order of Protection and was being prosecuted by the County Attorney. He also ignored the fact that the respondent had failed to complete court-ordered Domestic Violence classes which he was ordered to file completion of by 6/30/2008. He completely ignored _____ arriving 45 minutes late with no reason for it and allowed her to testify anyway. He also completely agreed with her testimony, even though she stated that the father is psychologically better at decision making and the children would be fine sleeping on the floor. At no time did he consult a doctor on these statements. He ignored a motion to hold the respondent in contempt for failure to complete his parent information class filed 7/25/2008, and also ignored a motion to stop parenting time filed 4/21/2008. The motion to stop parenting time was filed based on the respondent's brother and sister-in law, _____ canceling all visitation based on confrontations that were non-existent. On 9/19/2008, He completely ignored the Order of Protection restrictions against _____ when making his decisions for the divorce decree. In doing so, he awarded joint custody, primary residence and primary decision making to the respondent, who at the time was employed part time and living on his brother and sister-in-law's couch. Lastly, he included confidential medical record information on the divorce decree which made that information public via online minute entry, for over three years which violates Federal HIPAA Act Section 1177.