

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-207

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Complainant: No. 1448210658A

Judge: No. 1448210658B

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**ORDER**

The complainant alleged a superior court judge was discourteous and intimidating during several recent hearings. He further alleged the judge demonstrated bias against him by failing to allow him and his wife a fair opportunity to be heard.

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 along with the various minute entry orders in the case and listening to the audio recording of the hearing, 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 various rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: September 21, 2012.

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 September 21, 2012.

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

To The State of Arizona  
 Commission on Judicial Conduct,

The matter at hand involves the integrity of Judge \_\_\_\_\_ to remain impartial in handling case number  
FC2007

June 29, 2012, Judge \_\_\_\_\_ first ruled that \_\_\_\_\_ minor child, would remain in father home  
 during her recovery from major surgery. His decision was based on a letter submitted by Dr.

\_\_\_\_\_ primary care physician, voicing his concerns for the care of the child by the mother,  
 \_\_\_\_\_ stated that he felt the mother was incapable of caring for the child because she  
 had never actually been involved in her medical care. There was a new hearing set for July 13, to review  
 the case and see if the child was fully recovered and ready to resume visits with mother.

July 13, 2012, Judge \_\_\_\_\_ was intimidating and discourteous to the parties at hand. He at times  
 made comments about his days as a nurse and how anyone could do what \_\_\_\_\_ caregiver is doing. He  
 even stated that Dr \_\_\_\_\_ didn't have enough reasoning as to why he feared for \_\_\_\_\_ care at her  
 mother's house. He ordered that Dr. \_\_\_\_\_ appear in court to explain why he said what he did in his  
 letter and only then would he agree to what Dr. \_\_\_\_\_ stated.

The judge then decided that the mother, \_\_\_\_\_ would be allowed to go into the father's home  
 to visit with the child. My lawyer then informed the judge that both Lisa and his present wife,  
 had restraining order against each other and this was of concern to all. Judge \_\_\_\_\_ then took it upon  
 himself to tell \_\_\_\_\_ that she had to leave her home so that Lisa could come over.

Rule 2.6-Ensuring the right to be heard: During the hearing Judge \_\_\_\_\_ did not ensure the right to  
 be heard rule because when my wife, \_\_\_\_\_ ask to be heard, he told her that her testimony was not  
 asked for. She being a party of interest should have been allowed to voice her concerns about Lisa's visit

to her home. Judge \_\_\_\_\_ also didn't take into consideration that not only does \_\_\_\_\_ have to leave her home, but also her three children, who are also on the order of protection.

When Judge \_\_\_\_\_ issued the order he did state that \_\_\_\_\_ was to respect my home and only stay in \_\_\_\_\_ room. During her first visit \_\_\_\_\_ was less than respectful by bringing her live-in boyfriend to my home and expecting that we were going to allow him in. When my caregiver refused to allow him to enter she asked if he was recording what the caregiver was saying. She then proceeded to call the Surprise police and stood outside arguing with them for an hour. Finally the officer informed her that she could come into the home alone to visit with \_\_\_\_\_ or forget about it. The next time she came over she started downgrading the caregiver, telling \_\_\_\_\_ that since these women was an RN she had more experience and she would be cared for a lot better. This upset the caregiver and while she remained calm, she was humiliated in front of her patient. Since she had disrespected my home, she was in contempt of court and should have been barred from coming over anymore.

July 23, 2012-Rule 2.3 Bias, Prejudice and Harassment-Judge \_\_\_\_\_ were bias towards me from the moment he heard that \_\_\_\_\_ had not been allowed to visit with \_\_\_\_\_ on Friday because of her constant ignoring of my rules. I was prepared to show why it was that we had not allowed her to come on Friday, but the judge didn't want to hear it. Again he ignored the right to be heard rule by not allowing the two witnesses I had with me to testify. One of them was a party of interest, caregiver, since she was present at all her visitations. He did not accord to the caregiver, who in fact has a legal interest in the proceedings and had a right to be heard. He also at that time threatened me with jail time if \_\_\_\_\_ was not allowed into my home. Again inconveniencing the whole family because of the order of protection both parties have against each other. I feel that in doing what Judge \_\_\_\_\_ did he under minded my right to be heard according to the law. He showed no patience and was not courteous during the hearing. Judge \_\_\_\_\_ did not promote confidence in the independence, and impartiality of the judiciary system.

July 27, 2012- Went back to court and the judge was still bias to me, I was ordered to pay her attorney's fees and then my ex-wife, lied and the judge still took her word. He never gave me a chance to defend myself he ignored everything I had to say. Right now I am not working and have no way to pay her fees, but I fear the judge will put me in jail. I fear for my safety because of this judge, my attorney is intimidated by the judge; he didn't have the guts to speak up. Lisa purged herself on the stand and still I am the bad person in the eyes of this judge. I request he be taken off my case and my case be moved to Phoenix, I refuse to be called a liar and I refuse to feel like a loser in front of the courts.