

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-168

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Judge:	No. 1034614712A
Complainant:	No. 1034614712B

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**ORDER**

The complainant alleged a superior court judge was biased and prejudiced against him in a dissolution case.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: July 25, 2013.

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 July 25, 2013.

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

June 14, 2013

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

To the Commission on Judicial Conduct:

I was recently involved in a divorce case where the Judge \_\_\_\_\_ demonstrated a visceral dislike and disrespect of me and committed judicial misconduct in all aspect of my divorce case. Therefore, I am filing this complaint and ask that the Arizona Board of Judges evaluate my complaint and discipline \_\_\_\_\_ s appropriate.

Marriages end, but it is incumbent upon the Judicial System to dissolve a marriage fairly and without humiliating either party. I was subject to an adverse ruling simply on hearsay evidence, even though I presented witness testimony which showed the blatant inconsistencies and misrepresentations in my ex-wife's testimony. I feel that I was vilified by \_\_\_\_\_ for no apparent reason. There was not a scintilla of evidence to support the vile misrepresentations brought by my ex-wife yet those lies were taken for truths to my detriment.

I am writing this letter because there is no doubt that \_\_\_\_\_ violated Canon 1 of the Arizona Code of Judicial Conduct, 2009, Arizona Supreme Court Rule 81, Rules of the Supreme Court, which states:

**A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.**

In particular \_\_\_\_\_ violated Rule 2.2., Impartiality and Fairness which states:

"A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

I feel that \_\_\_\_\_ was not impartial and her biases made it impossible for her to uphold the law. For example, I presented evidence to rebut the misrepresentations of my ex-wife but my evidence seemed to be ignored while my wife's proven misrepresentations were given consideration and validated by the \_\_\_\_\_ rulings. This is exemplified by \_\_\_\_\_ actions in allowing exhibits into the case that were not relevant, not recent, and ancillary to the case. In particular my ex was allowed

to admit exhibits that were over six years old and that was proven misrepresentations. In 2006, while living in \_\_\_\_\_ tried to damage my reputation by making a false claim to the \_\_\_\_\_ that I watch child pornography, which of course is a serious accusation to make, as this crime is a felony in the state of \_\_\_\_\_. To aid and facilitate a quick investigation, I, without a warrant, gave the police department my computer and email accounts so they could evaluate and analyze my downloaded files and the history of all websites I visited. After an exhaustive investigation by the department, \_\_\_\_\_ charge was dismissed as untrue.

She also violated Rule 2.3. Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

Rule 2.3(b) was specifically violated as \_\_\_\_\_ said something to me that was definitely meant to intimidate and her statements made me very concerned, uncomfortable and fearful of losing my employment. I ask that you review the transcripts and record of the case because I don't feel comfortable expressly repeating her observations. Notwithstanding, her statements were blatant and illegal intimidation which is a violation of the Rules of Judicial Conduct. Again, I don't want to be specific so please review the transcript and thoroughly investigate the intent of her statements.

I also believe \_\_\_\_\_ violated Canon 2 of the Arizona Code of Judicial Conduct. Canon 2 states that:

**A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.**

\_\_\_\_\_ failed to adhere to Canon 2 and more specifically she violated Rule 2.2, Impartiality and Farness and Rule 2.3, Bias, Prejudice and Harassment. As I have stated, my ex wife misrepresented the facts concerning the demise of our marriage. As in all divorce cases with children we met with the Family Counselor representative who developed a report. \_\_\_\_\_ displayed a lack of judicial impartiality and diligence when she allowed the case to continue even though my defense counsel did not have adequate time to review the report from the Family Counselor. Thus my wife seemed to receive favorable treatment, and by ignoring the rules of evidence the proceeding seemed particularly biased. Further, there seemed to be only bias from \_\_\_\_\_ Court in allowing statements into the record of the case from my juvenile children that were parroted word for word from my wife, indicating that the children were coached.

Statements from my wife concerning my supposed drunkenness, even though I only had on glass of wine, that I beat my kids, or that I removed myself from the family to watch sports or pornography were repeated word for word by the children. There seemed to be no attempt by the court to challenge these obvious misrepresentations and the parroting back of these misrepresentations by the children. When my counsel challenges were rebuffed and ignored.

Further bias, prejudice and lack of impartiality and fairness are evidenced in how she handled information related to my marriage in My relationship with my wife has not been good for a while although based on my religious convictions I tried to work on the marriage. While we lived in my wife had me put out of our house and obtained an order of protection against me. I complied with all the terms of the order of protection. The order was dismissed and cancelled as my wife changed her complaint and we sought to reconcile and save the marriage. I moved back into the home within three weeks. Well, my wife initiated an order of protection in Arizona which was dismissed after my court appearance, given there had never been a scintilla of documented evidence of violence, threats or intimidation. This evidence was presented to but she clearing demonstrating her prejudice against me by noting that I was wrong in some way, which she failed to elaborate on. She basically ignored the evidence from Arizona that there was never domestic violence in this marriage. By advancing false accusations, the credibility of my wife should have been impugned but there is no evidence that court acknowledge this. So pursuant to ARS Section 25-403.03, there has never been domestic violence in my household This is evident in a divorce decree that so completely benefits my wife which indicates that the court was not objective and ignored blatant mischievous acts by my ex-wife. There were no sanctions against my ex-wife for making false accusations, under oath.

Further, I believe Canon 2 was violated with respect to the diligence with which and the court tried to determine the truth concerning my relation with my children. The court noted in paragraph 8 of the ruling that I spanked my children on limited occasions. was the primary disciplinarian because she home schooled our kids while I worked. She physically disciplined the children far more frequently than I and the limited times that I spanked the kids where at her request. However, the court did not note this nor did the Court or Family Counselor note that the children seemed to be coached in there denials of this fact and their answers regarding my drinking and inattentiveness. When my children were interviewed, it was very clear and apparent that they were coached. Nothing they said deviated from the false charges made by my ex-wife.

Further, I would also like the commission to look into [redacted] actions with respect to her override of [redacted] by refusing to hold [redacted] accountable for missing a court date which cost the court time and me funds that I don't have. [redacted] had held that it was not allowable for [redacted] to miss the court date after [redacted] had been given notice by the Court of the exact date and time of the hearing. However, [redacted] overrode [redacted] order. Again, these actions are inconsistent with promoting integrity and impartiality in the judicial system. In fact [redacted] bias against me is clearly demonstrated in that [redacted] returned all monies to me from the order of temporary child support because of

[redacted], in overruling all of [redacted] orders and disciplinary actions against my ex-wife [redacted] I received me all back child support even after it was remitted back to me.

Further, [redacted] overrode J [redacted] with respect to the order of [redacted] against me. Judge Masten concluded based on the evidence presented, that I had not violated the order of protection against me. This evidence included a background check that stated that I had never been arrested for domestic issues or child protective services. Given, this I was ultimately [redacted] denied partial or joint custody.

It seems that the court only acknowledged the protective order even though it was granted under false misleading pretences. The order of protection had an extremely negative effect on me, as I was removed from my home, with limited funds to find another place to live. [redacted] unjust override almost left me homeless. This is a violation A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY. There is no impartiality in [redacted] overrides

In conclusion the result of [redacted] flagrant disregard of the canons, rules and basic fairness is an unjust divorce ruling. I am left unable to live in a decent neighborhood and pay my bills. I am unjustly left with bills from wife that predated the marriage. I have limited contact with my children and no ability to parent. I request that you review the transcript of my divorce proceedings and discipline [redacted] is appropriate. No one should be so biased and prejudiced against in a court of law.

Very Respectfully,