

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-185

Judge:	No. 1102614725A
Complainant:	No. 1102614725B

ORDER

The complainants alleged a court-appointed mediator mishandled a family court mediation.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the mediator 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 complaint, the commission found no evidence of ethical misconduct and concluded that the mediator did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: August 28, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainants and the mediator on August 28, 2013.

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

July 12, 2013

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Dear Commissioner of Judges,

On Oct. 1, 2012, we appeared before the appointed mediator, by
case
Before her was our lawyer, my
husband and myself, as well as the other party which was our niece
and her lawyer,

After she explained some of the procedure to us, the other party left the room and she told us right away, "This judge will not give you two custody of this child" and we told her we already had custody and she told us that he would not only not give us custody but he would make us pay all court costs and possibly not give us any visitation or let us see the child again and since he was a judge he had that power. Our lawyer did not say any thing and we felt completely blindsided as we were prepared to discuss joint custody as our lawyer had discussed with us the previous week and we have the e-mails to prove it. We never even thought about visitation or we would have prepared ourselves especially when after so many hours of going back and forth we found out that our niece was planning on moving out of state within the year. We told how much money we had already spent by lending money to our niece, taking complete care of her and then defending to keep custody since we knew his mother (as does the family and we have letters to prove it) and then we had to pay for the mediator session. So it did cost us, even though we did give in, but that is nothing compared to what it did to Logan.

When the mediator told us we might never see the child that we had raised almost 2 years and had legal custody we were so upset that we were not thinking straight and just basically gave in. The part that really upset us was that after all was said and done, we thought we still would be able to speak with the judge but our lawyer refused to go to trial, which we had a date set by the judge already.

After all the papers were signed, we found out from our niece and her friend, that her friend was allowed to be in the other room

and help her with the negotiations and no one told us she was there. Why the secrecy? The papers from the court state that only the parties involved are to be present. Her friend was not at any of the sessions where all of us were in the room together and neither the mediator, nor _____ or our niece told us that she was in the other room. Again, why the secrecy?

Why weren't we told? Why weren't we allowed to know about this? We wonder what else may have occurred that we were not allowed to know? Even our lawyer did not know that there was another person present. We would like answers to these questions and what right did _____ have to tell us that we possibly might never see our relative again?

We also told _____ that if _____ was returned to his mother that he would be hurt and she told us to let the mother prove that she could be mother of the year (even though she had a CPS case in _____). Well about 2 months after _____ was returned, CPS took him from his mother. Ask _____ is she still mother of the year? _____ was abused and because of false accusations he was placed in foster care and we told CPS that _____ would be traumatized and he is and is getting counseling but this is something he won't forget and who knows what this will do him.

Here was a little boy that barely spoke, did not even know his own name at the age of 2 1/2 when he came to live with us, and we worked with him and he became a happy, normal loving boy and we have several witnesses to verify that statement, and everyone saw the negative change in him when he went to live with his mother and now he is victimized by the court and the system. How can that be explained to this child when he gets older? Who will take the blame for what has happened to him especially when it did not have to happen to him? We will await your reply.