

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-223

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| Judge: | No. 1062214638A |
| Complainant: | No. 1062214638B |

ORDER

The complainant alleged a superior court judge continues to callously disregard his desire to have parenting time with his son.

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 complaint, 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 court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 2, 2013.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 2, 2013.

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

All events took place at the Court Building.

1. In _____, the Father filed a "Petition to Enforce Parenting Time."
2. A hearing was conducted on _____ In this hearing Judge _____ insisted on combining the Father's "Petition to Enforce Parenting Time" with the Mother's "Petition to Modify Parenting Time and Request for Reunification of Supervised Parenting Time." This action required a three-hour hearing. The earliest three-hour hearing time available was _____
3. On _____ the Father pointed out that the two petitions had nothing to do with one another. Either the Mother is bringing the child as per the current Parenting Plan or she is not.
4. The Father requested his "Petition to Enforce Parenting Time" be heard at a separate hearing lasting one hour. The Father pointed out this would result in a hearing date much sooner than _____. The judge denied the Father's request.
5. The Father even stated, "I am not seeing my son." To which the judge had no response. The judge's silence and lack of action demonstrate that while there was an accusation that the Mother was violating the Parenting Plan, that there was no Father in the child's life, this did not concern the judge in the least.
6. It was perfectly acceptable to the Judge on _____, to delay having a Father in the child's life by an additional eight and a half months.
7. In _____ the Father was faced with not seeing his son at all for the Christmas Holidays. The Father attempted to get something done to at least allow for contact over Christmas. The Father even stated the Mother had lied in her petition to stop the Father's parenting time. The judge refused to even attempt to rectify the injustice of denying the Father access to his child over Christmas. This did not concern the judge in the least.
8. During the _____ hearing, the judge stated he would take seriously any act of dishonesty displayed by either parent. The Father has proven dozens of lies committed by the Mother. The judge has yet to take any action. The judge continues to deny the Father access to his child based on lies told by the Mother. This does not concern the judge in the least. Clearly he was not sincere in stating he would take lying seriously.
9. The judge concluded the _____ hearing with, "I wish everyone Happy Holidays." I stated, "It won't be one without my son." I was incredibly insulted by the judge's statement. It demonstrated a callousness and complete lack of connection to reality. I was not going to see my son for Christmas. How I am expected to have a Happy Holiday? It is beyond comprehension that anyone could say that given the circumstances. The only person that would make such a

statement is someone who does not believe that a child has value in a Father's life; that a Father does not have value in a child's life. Therefore, not spending Christmas together is of no consequence.

10. In _____, the judge stated that on _____, he would be issuing temporary orders of parenting time. He did not keep his word. As he did not in regards to lying under oath and presenting false information to the court.
11. On _____, the Father presented an eyewitness to the events of _____ which directly contradicted the Mother's outrageous claims. The Father specifically stated the Mother clearly lied in her petition to stop the Father's parenting time. That alone should have been grounds to overturn said petition. The judge did nothing. A Father not being in the child's life for the past _____ did not concern the judge in the least.
12. On _____, the judge was not concerned in the least that it would be another five months before any decision of any kind would be made about the child having a Father in his life. He refused to do anything to move the hearing up.
13. On _____ the Father made an accusation of child abuse against the Mother. Evidence was provided. Despite having specific instances and supporting evidence, the judge continued to leave the child in the Mother's abusive care. However, despite the fact that the Mother could not provide any evidence of a single instance of abuse committed by the Father, he continued to deny the Father access.
14. The judge has the authority to allow at least minimal contact between the Father and the child during the eight months these hearings took place. He chose not to do so. Further evidence that a Father being present in a child's life is of no value in his eyes.
15. At the conclusion of the hearing on _____ the judge stated he would have a ruling in three to four weeks. I was shocked. I was to wait another month before I had the possibility to see my son? The judge could have granted at least some contact between the Father and the child so they could have some kind of relationship. The evidence and testimony supported such an action. However, the judge took the approach that my son hasn't had a Father for eight months. What is another month?
16. Four weeks, i.e., 28 days after _____, was _____. That date passed without the judge making a ruling.
17. As of the date of this complaint, it has been 44 days without a ruling on the hearing. Over six weeks and still counting. I am now in the tenth

month of not seeing my son. This judge has done nothing to rectify that tragic situation. On his attitude was; the Father hasn't been in the child's life for eight months. What is another month? Clearly now his attitude is; the Father hasn't been in the child's life for nine months. What is another month?

18. This judge has demonstrated a clear pattern of utilizing tactics to delay as long as possible the Father being reunited with his son. It is an attitude of clear bias.

19. Perhaps the reason the judge refuses to address the issue of lying under oath and presenting false information to the court is because he himself does not keep his word. He stated he would take lying seriously. He has not. He stated he would issue temporary orders on He did not. He stated on he would issue a ruling within three to four weeks. He has not.

20. Perhaps the reason the Mother so flagrantly violates the Parenting Plan, an order of the court, is because she sees the judge not follow his own orders issued in court.

21. The judge should be compelled to follow his own orders made in open court. After all, he made certain both parties in the case met all deadlines set by him. He should be held to the same standard.

I request the following relief:

1. The judge be compelled to issue a ruling on the hearing within ten business days of the date of this complaint.
2. Under the new family court law that went into effect on , the judge be fined for delay of court proceedings.
3. The judge be found in Contempt of Court for failure to follow an order of the court.

Today's Date:

Signatur