

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-255

Judge:	No. 1075514776A
Complainant:	No. 1075514776B

ORDER

The complainant alleged a superior court commissioner improperly ordered an involuntary mental health evaluation and denied him due process in his child support case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: February 3, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on February 3, 2014.

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

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



COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Commissioner _____ on _____ granted judgment against _____ for past child support and accrued interest in the amount of _____ Commissioner _____ denied _____ due process of law so much that he wasn't afforded his rights stipulated on the commissioner's order to appear and pursuant to Arizona law. Upon her irrational explanation for why _____ willfully failed to make support payments, Commissioner _____ further violated _____ civil rights by remanding him to the custody of the _____ indefinitely and setting an unreasonable cash purge amount of _____. Shockingly, this was the _____ incident Commissioner _____ ruled against _____ with such impropriety. complaint for Commissioner _____ conduct in mental health court,

_____ was _____ months delinquent on his child support obligation that began _____ months prior. One of Commissioner _____ findings in her minute entry was that _____ "has not paid toward his child support obligation for many years." Judge _____ calculated the child support based on _____ testimony of his earning potential, not actual earnings, before the decree of dissolution was final, and subsequently ordered _____ not to file petitions, so _____ had no opportunity to modify. During the _____ hearing, Commissioner _____ held that _____ should have used the _____ month that his sister pays for his living expenses to pay the _____ support obligation.

Commissioner _____ examined _____ about his ability and willingness to pay, limited most if not all of his answers to one word responses, and denied him any reasonable opportunity to testify or make a statement. Mental illness was one of _____ reasons for his inability to pay, but Commissioner _____ prohibited _____ from presenting his medical records to verify his claim. Not only does Arizona law afford _____ this right, _____ stipulated it in her order to appear for the _____ hearing. Oddly, Commissioner _____ did ask _____ if he still had the mental illness, and after _____ said he didn't know, the commissioner interrupted with, "You still have it. I was a registered _____ further denied _____ his right to show evidence altogether, including denial letters of employment due to his _____ for Interfering with the Judicial Proceedings, charges pressed by the opposing party.

after unlawfully issuing a detention order to commit to a
Commissioner ordered him to be incarcerated
without any due process of law. "It's your actions," that speak for not wanting to support
your child said the commissioner to as she concluded the family court matter.

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One year, three months after unlawfully issuing a detention order to commit to a mental institution, Commissioner ordered him to be incarcerated without any due process of law. "It's your actions," that speak for not wanting to support your child said the commissioner to as she concluded the family court matter.