

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-278

Judge:	No. 1093414793A
Complainant:	No. 1093414793B

ORDER

The complainant alleged that a superior court judge allowed ex parte pleadings, prevented the complainant from fully presenting her case, and demonstrated bias.

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. 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: 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 judge on February 3, 2014.

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

Your name:

Judge's name:

On _____ Judge _____ is believed to have violated Judicial Code of Conduct, Rule 2.2(A) by issuing an Order denying a pending Motion and setting a hearing requested ex parte by Petitioner in this matter. Respondent checked the court's filing website due to lapsed time after filing a Motion for Change of Venue and found notation of an order. On _____ Respondent called the records division of the court and requested a copy be mailed to her; due to date of hearing only short time away, court emailed order to Respondent. Respondent had not previously received the order and noticed two documents the judge said "This court has received and considered the following... Petitioner's Motion to Oppose Change of Venue, and Petitioner's Motion for Review Hearing." The lack of receiving the Petitioner's properly filed pleadings, undermined Respondent's right to know what documents are submitted to the court in this matter and thereby bar her defense. The court clerk, Petitioner and Respondent have copies of the order that was based on ex-parte pleadings from Petitioner. The short notice also does not allow time for Respondent to defend against the lies in Petitioner's ex-parte pleadings.

On _____ Judge _____ is believed to have violated Judicial Code of Conduct, Rule 2.5(A) by entering an order that "... Respondent is required to appear in person for all future hearings". The judge making such a ruling against Respondent only and in light of the fact that Respondent lives almost _____ from the court in a different county, has a _____ and is unemployed effectively limits Respondent's ability to a fair hearing. The judge's requirement for Respondent only to appear in person order was given to Petitioner, Respondent, and former BIA.

On _____ Judge _____ is believed to have violated Judicial Code of Conduct, Rule 2.6 when she withheld the testimony of child's therapist and issued an order for contact that _____ therapist was against. Therapist had written a letter about her concerns that was properly submitted as an exhibit prior to hearing. This ruling directly interferes with Respondent's right to fair hearing.

On _____ Judge _____ is believed to have violated Judicial Code of Conduct, Rule 2.2(A) when she refused to acknowledge or consider the evidence that the best interest attorney the judge appointed had been acting unethically towards Respondent and her child

and showing favoritism towards the Petitioner. The judge then ordered huge monthly payments from Respondent to former BIA, despite the fact that Respondent is unemployed. This was ordered based on testimony of former BIA, which was inaccurate. The judge's order stated if payments not made, Respondent must appear "in person" to explain why she was in contempt of this court's order despite knowing Respondent had no way to physically get to the court.

Judge _____ is believed to have violated Judicial Code of Conduct, Rule 2.6 multiple times as partially listed below:

Made an Order denying Change of Venue for no reason and setting a hearing for _____ weeks from that date based upon ex-parte communications from Petitioner despite the knowledge that all parties and witnesses live about _____ away in a different county.

Ruled Respondent only had to appear in person for all future hearings.

Would not let _____ therapist to testify and then drafted orders that put _____ in _____ way.

- Appointed a best interest attorney on her own motion when no facts supported the need of such BIA, yet refused to hear from child's medical provider.

Dated: _ _____