

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-047

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Judge:	No. 1021114886A
Complainant:	No. 1021114886B

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**ORDER**

The complainant alleged that a superior court judge was intimidating and rude.

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: April 2, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 2, 2014.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2014 047

**COMPLAINT AGAINST A JUDGE**

Your name: \_\_\_\_\_ Judge's name: \_\_\_\_\_ ate: \_\_\_\_\_

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

\* PLEASE SEE ATTACHED:

- COMPLAINT AGAINST A JUDGE
- COPY OF EVIDENTIARY HEARING ORDER
- COPY OF PARENTING PLAN PROPOSAL

*(Attach additional sheets as needed)*

## Complaint Against a Judge

Your Name: Judge's Name: Date:

On I was ordered to attend an "Evidentiary Hearing" in re the Marriage of: Petitioner and Respondent. This "Evidentiary Hearing" was the final judicial proceeding to complete unresolved Parenting Time issues between the Respondent and myself in regards to transportation and the weekend visitation schedule for our minor

The Respondent and I were both given the opportunity to plead our cases as best we could as neither of us was represented by attorneys. In the end the Judge ruled in the Respondent's favor granting the schedule and transportation arrangement he requested. Although this was a disappointment in my opinion, this is NOT my dispute...

After Judge made his ruling I informed him that I did have some questions. It was apparent to me immediately that the Judge was aggravated or annoyed but allowed me to proceed with my questions which I felt were legitimate and important matters that required clarification.

The judge ruled that the Respondent would receive weekend visitation every 3<sup>rd</sup> weekend of the month commencing . I informed the Judge that according to our Holiday visitation schedule this year I was to have our the first week of spring break which begins the weekend of and the Respondent was to have the 2<sup>nd</sup> week. After further discussion we were able to agree that the weekend visitation schedule be changed to the 4<sup>th</sup> weekend of each month instead of the 3<sup>rd</sup>. I asked for clarification regarding future holidays that may fall on one of respondent's visitation weekends, which would prevail? The regular weekend schedule or the Holiday Schedule? Example; if it were my year to have my for Christmas, but Christmas Day falls on the 4<sup>th</sup> Saturday of the month, which would be the Respondent's weekend, what would happen under those circumstances... Judge proceeded to display annoyance with my question, did not provide an answer but rather hastily ordered that we return to Mediation.

My second question was to ask Judge if a temporary modification could be made regarding transportation. His ruling states that the Respondent and I are to share the transportation responsibility 50/50 as we live in different states; approximately miles apart. Judge had already been made aware that I am currently under Medical Restrictions per my Doctor's orders not to travel long distance for the remainder of my pregnancy as I am considered at high risk of complications. A copy of this Doctor's note was provided to the court and to Judge . Again, Judge response was quick and merciless. He denied my request without any consideration to the fact that his ruling is a direct threat to the safety of my unborn child and myself. I explained to him that I do not have any family members that would be available to do the driving for me during this time. His temperament escalated and he proceeded to threaten that if I do not neglect my Doctor's instructions and comply with *his* order and do the required driving regardless of my medical restrictions, I could be at risk of losing custody of my child! Custody modifications were not even an issue for this hearing. When I

received my filed copy of the court hearing, I noticed that the vague verbiage regarding this topic read: "Petitioner makes statements regarding her restrictions relating to travel; the Court responds; discussion ensues. The Petitioner is admonished to comply with this Court's Order." I feel this verbiage fails to include the important fact that my "Restrictions" are medical related, perhaps the absence of this detail was intentional as I cannot imagine a Judge would want to take any responsibility for making an unethical ruling that directly puts an individual at medical risk.

By this point I was feeling very intimidated by Judge [redacted] and considered abandoning my last question. The judge was clearly aggravated and impatient, but knowing this was my only chance to ask, I proceeded.

Another part of the Judge's ruling was that the Respondent was to make weekly phone calls to our [redacted] at a specific time and the call was to last a minimum of [redacted] minutes. I explained to the judge that on past occasions that the Respondent had called, I have encountered the issue that my [redacted] year old [redacted] refuses to talk to him. Despite the Respondent's assumptions, I *do* encourage [redacted] to speak to him but [redacted] typical response is "No. Not right now. Maybe later." When I ask [redacted] why [redacted] won't talk to him [redacted] tells me "I don't like talking on the phone." [redacted] has even told the Respondent this [redacted]. This is something I had brought up before in mediation as well (and the Mediator seemed to be more understanding and sensitive to the situation. The mediator herself explained to the Respondent and I that this is not uncommon in children [redacted] age.) In order to protect myself from future allegations that I am not "allowing" [redacted] to speak to him, as that is what the Respondent wants to believe, I asked Judge [redacted] for his recommendation or guidance in how I should handle this situation in the future. This is the point I feel that Judge [redacted] really lashed out at me and his verbal attack began. Again, he did not provide an answer to my question, but rather reprimanded me stating "It is YOUR responsibility to foster the relationship between your [redacted] and [redacted] father!" Judge [redacted] then proceeded to instruct the court reporter to include in his findings (his personal statement) that I am not acting in good faith and that I have been interfering with my [redacted] relationship with [redacted] father. Not only was I completely insulted by this erroneous allegation I was also shocked that the Judge would make such an accusation without providing any facts or evidence to support this statement that he insisted be included in the court findings!

As I stated, I was not represented by counsel, this may be part of the reason why Judge [redacted] felt he could get away with treating me so unprofessionally and using his authority in a way that was unfair and vengeful. I did the best I could to present my case and provided a detailed Parenting Proposal which included facts about the history of the Respondent's lack of effort on his own part to visit our [redacted] or contribute to her well-being. The Respondent however, was unable to provide any evidence or documentation at all that could lead Judge [redacted] (or anyone) to believe that I was interfering or not acting in good faith. It was such an insult to me to be accused of "not acting in good faith" because the fact is I have been the ONLY parent providing constant and sole care for our [redacted]. This has always been my priority and I have taken great measures to make sure this evidence was provided to the court.

The Filed copy of the findings of this hearing states: "THE COURT FINDS that the Petitioner/Mother has interfered with the Respondent/Father's access to the minor child and has not been acting in good faith for the child's best interest to allow contact between the minor child and the Respondent/Father in order that [redacted] has a good relationship with him."

Not only was this last minute addition to the Order unnecessary, it was also unfounded. It is unfair for Judge [redacted] to make these unsupported allegations and include them in the Order without any just cause or supporting evidence. I feel this attack was out of frustration and misapplication of his authority. I feel victimized and do not feel that Judge [redacted] displayed professionalism or an unbiased position in our case. It is my opinion that Judge [redacted] behavior during this Evidentiary Hearing was unprofessional, impatient, biased and inappropriate. Despite his ruling which was not in my favor, the real complaint is that he failed to uphold his judicial responsibilities to conduct himself in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.