

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-050

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| Judge: | No.1020314890A |
| Complainant: | No.1020314890B |

ORDER

The complainant alleged that a superior court judge was violating her legal rights by directing her to obtain a psychological evaluation to be shared with her adversaries.

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: March 26, 2014.

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 March 26, 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 050

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

_____, Judge _____ ordered Family Therapy. I, the maternal grandmother in this case, called and attended weekly sessions immediately. Judge _____ had to remind _____, on separate occasions to even call for an appointment.

At a review hearing in _____, _____ had still not even called for an appointment, the judge told her to do so, again.

_____ did attend one session with student intern _____ (sp?) _____ announced that _____ wanted to meet together as a family. At the second session _____ announced that he would write a letter to the court deeming our family issues "Irreparable" I, grandmother did not agree, as the court order was to meet for on year.

We had another review hearing with judge _____ on _____ At this hearing judge _____ asked for the opinion of myself and my _____ of the "update letter" from the Doctor at _____ and associates about the statements that this doctors Intern student made regarding the future of our family. We have never even met this doctor, nor has she spoken with me at any time. Additionally, I never saw the intern student take a note during our sessions. Neither side had been sent a copy of the update letter. Judge _____ stopped the hearing and went to make copies herself and handed them to us.

I verbalized my opinion that I did not agree with the statements made in this update letter, as they did not represent what happened during the sessions at all!

Judge _____ said that she is suspending my court ordered rights to attend my _____ baseball games, and is suggesting, not ordering, that I obtain a psychiatric eval, and attend weekly sessions. I told her that I did not agree but would comply. Judge _____ stated that I had to sign off my HIPAA rights and allow all notes from the psych eval AND weekly sessions to be sent to _____ and _____ ! Is this even legal? She again said that she is not ordering that, but if I don't she is suspending ALL CONTACT with my _____

I am not trained in the legal department. I am a _____ and have worked over _____ years in the Quality and Risk Department at a large hospital in _____. I am well aware of legal patient rights, and the liability we face in the medical field if these rights are violated.

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My statements here are the absolute truth. I am shocked and saddened that a person in such a revered position as judge could be so cavalier over my legal rights as a citizen. For me to subject myself to a psych eval over the "whim" of a judge, and the comments made by an intern who was obviously intimidated my my husband's statements, feels like a punishment for a crime not committed. If, on the other hand, we had all been ordered to have psych evals, I would view it more fairly yet still not agree with any one of us giving up our HIPAA rights to privacy. Our right to privacy is a sacred thing, not to be taken lightly.

My and husband have a history of copying private information and placing it on Facebook, sent in letters to family out of town, etc. When I brought that fact up, judge looked at my and said "Don't share this information with anyone, OK?" Oh my gosh, really? I am dumbfounded that this woman has the privilege of sitting where she does and is most blatantly shaming the office of "judge" in this way. I am in effect being bullied into facing (and paying for) a psychiatric evaluation that I have to allow be sent in its entirety to a third party!

I fought in court for over years to get the visitation that I do have. I earned the court ordered privilege to attend my baseball games. This judge has suspended my ability to even attend my baseball games—something I have done since was years old!

Whatever outlet I have legally to complain—I wish to take. I am an educated woman. I consider myself fair and just. I have taken the legal route to earn the privilege of time with my , which is priceless to me. I often had exclusive care of over the years that they lived in my home, since until grade. . My "sanity", stability, etc was never in question all of those years.

I believe that this judge could not possibly have done preparation for our hearing. This is evident by the fact that she did not remember any of the facts from our past hearings and she appeared distracted and confused. At that point she seemed to be irritated, and then stated her recommendations, reminding me that they are not orders, but if I don't comply she will suspend all of my contact with my . I feel that this is an extreme abuse of power and that our case is not being dealt with fairly. Surely this must affect other cases, I do not believe at all that our case is an isolated incident.