

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-078

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge did not allow him to present his evidence and then made an improper ruling on the basis of a lack of evidence.

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: June 25, 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 June 25, 2014.

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

Judge [REDACTED] scheduled an evidentiary hearing for [REDACTED] relating to custody issues for our [REDACTED] year old [REDACTED]. In his orders he stated that the Pre-trial Statement, Affidavit of Financial Information and all exhibits needed filed (PTS, AFI) or turned into his court clerk (hearing exhibits) by [REDACTED]. I attempted to get the opposing party to file a Joint Pre-trial Statement pursuant to the court's order, but was unsuccessful. In order to comply with the court's order, I filed a unilateral Pre-trial Statement. I complied with all of Judge [REDACTED] orders. Ms. [REDACTED] complied with none, including an order to myself and Ms. [REDACTED] that the minor child not be talked to or coached about her non-confidential interview. Between [REDACTED] and [REDACTED], our [REDACTED] year old [REDACTED] (who turns [REDACTED] in [REDACTED] days) volunteered to testify in court. When we arrived for the evidentiary hearing on [REDACTED], I was informed that my [REDACTED] year old [REDACTED] may not get on stand to testify at all. I was not aware of any age limits for witnesses, especially considering that my [REDACTED] volunteered to do this. Upon my [REDACTED] volunteering to testify, Ms. [REDACTED] informed our [REDACTED] that if she got on stand to speak, it will ruin their relationship as [REDACTED] and [REDACTED]. I apologized to the court clerk and explained that I was not aware of the age limit. Once in the courtroom, the court clerk put my exhibits on the podium for me to use and hand to the judge. When the judge entered the court room, Ms. [REDACTED] went first, explained how she has concern for [REDACTED] living with me, how I brought our other [REDACTED] to court, how I mentally abuse the kids, etc. I then informed the judge that when [REDACTED] was living with me, she was a happy, active girl who got good grades and was in sports. Since moving to her mother's house, she has gained [REDACTED] pounds (in [REDACTED] months), her grades are bad and her confidence is very low. The judge read the child interview with the court that stated she didn't want to live with me and that she didn't like my Fiance'. He then informed me how wrong I was to bring my [REDACTED] year old [REDACTED] (almost [REDACTED] years old, who volunteered). He then said, since he doesn't have any "PROOF" of the grades and other things that he can't take into consideration what I said., the judge then made his decision without allowing me to present the very evidence he said I didn't have. Had he looked at the exhibits I was going to use, he would have seen [REDACTED] mental health records, clearly showing she had been coached, even her counseling sessions, that she was labeled as "obese", he would have seen the school records from [REDACTED] and her current in [REDACTED] showing failing grades, how, contrary to Ms. [REDACTED] and [REDACTED] that [REDACTED] gave cards and letters to my Fiance' saying what a great step-mom she was and how much she loved her, etc. etc. He would have also been shown how Ms. [REDACTED] intimidated and tampered with witnesses when she mentally abused my other [REDACTED] [REDACTED] year old) by informing her that if she got on stand to defend me it would ruin their relationship. He would have also been shown how Ms. [REDACTED] removed me from all access to [REDACTED] medical records, contrary to Arizona law. The judge failed to review my response to the petition to modify, where it had indicated that I have all three children and still raise two of them, one of which is Ms. [REDACTED] biological [REDACTED] (my [REDACTED] from when her and I were married). How [REDACTED] did not have any of the "psychological issues" that she has since moving to her Mom's house. Finally, why would Ms. [REDACTED] modify custody for only one child, the youngest and not the other two as well. Now that I have done all of the work of raising the kids, she wanted to take me to court and make me look bad. Judge [REDACTED] failed to allow me to present evidence at an evidentiary that he set.

This trial was set for one hour and it lasted 15 minutes.

CONFIDENTIAL

State of Arizona
Commission on Judicial Conduct
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COMPLAINT AGAINST A JUDGE

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.