

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-151

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge prejudged her case, behaved bizarrely at the hearing, and was inappropriately dismissive of her position.

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. Also, the commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: July 9, 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 July 9, 2014

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



To whom it may concern;

The purpose of this letter is to recount my recent extremely horrifying experience with Judge [redacted]. In [redacted], I filed a motion to modify the parenting agreement between my ex-husband and myself in behalf of [redacted]. We received notice that we would be sent to mediation, but never were assigned a mediation date/time. Neither of us really wanted to go to hearing, and so we agreed upon a signed stipulation changing the parenting agreement, including [redacted]. We thought this would negate the need for a hearing, but we were told by the clerk's office the hearing would still go ahead. On [redacted] we appeared before Judge [redacted]. He entered the courtroom appearing to be under the influence of something; he kept rubbing his nose, closing his eyes and taking long pauses between his words. It was surreal to sit and observe his absurd body language. He said he had read the file, and had essentially **made up his mind ahead of time** but wanted to proceed with the hearing anyway. He asked me what the circumstances that prompted the motion were. Had he read the file it would have been eminently clear. I only very briefly explained, not realizing this would be my only opportunity to speak in [redacted]. I told him that I was unprepared for a hearing, as we had a unilateral signed agreement and we thought that the hearing would be dismissed. Apparently he was extremely unprepared also, as he then asked [redacted] why he signed the stipulation, **which again he would have known had he read the file**, and explained that he agreed it was in [redacted] best interests to have a "time-out" from him. **Why on earth would a judge disregard the offending party's acceptance of the allegations and agreement to give [redacted] a reprieve?** The judge then fumbled through the file looking for the psychologist's letter which made a very powerful recommendation in behalf. He finally found it, read it to himself, but then asked if the current counsellor would provide additional testimony. He quoted my earlier words that I was unprepared for a hearing and left the door open for a continuation with the current therapist giving expert testimony. He said he would not sign the stipulation to modify the parenting agreement, that it was too much pressure to put on [redacted] to make that kind of decision, although the therapist's letter in his hand stated clearly [redacted] is a very bright, capable [redacted] who is able to know [redacted] own mind on this matter. Although I was not given the opportunity to say it the facts are that [redacted] has begged me on multiple occasions to make sure [redacted] doesn't have to go to [redacted] house. There has been no pressure of any kind exerted on her by [redacted] custodial parent, me. Judge [redacted] asked no questions about [redacted] reactions, state of mind, level of safety, etc. He said in no uncertain terms that he would not hear [redacted] even if both parents agreed to [redacted] speaking with him. At this point I tried to express some of the fears and concerns that led me to this point, and the judge obnoxiously waved his hand and "shushed" me. It was like being in the presence of a ill-prepared, disinterested dictator whose opinion was the only one in the room. I was both shocked and mortified by the outcome, and am left with [redacted] who is terrified to be forced to go to [redacted].

To summarize, the judge's behavior was dismissive, bizarre and unbelievable. In his words and action he was rude, inconsiderate, arrogant and unjust. He did not allow for mediation. He did not allow due process, as he said he had made up his mind before entering the courtroom. Being a new judge on our case if he had truly read the file, he would have seen that this stipulation was not extreme in the least, considering the warnings of a previous judge and the fact that [redacted] had been ordered in the past. He did not accept a signed agreement by [redacted] or even our verbal testimony in court that we both agreed it was in the [redacted]. He did not accept the written [redacted] professional therapist. He forbade [redacted] testify in any case. **Who else is there to weigh in on the matter? God? Judge [redacted] presented himself with the power of a deity, minus the justice.** He refused to accept a reasonable stipulation, as we included a six-month review, based on the fact that our current therapist has been involved in getting us to this agreement, having worked with [redacted]. Why the judge needs a second professional opinion is [redacted].

beyond me and seems preposterous. Who gets a second opinion in therapy? Why would a continuance based on another therapist's recommendation have more influence than the information he already had? Why weren't the words of the initial therapist's letter sufficient? Why wasn't the signed document between \_\_\_\_\_ sufficient? Why weren't \_\_\_\_\_ appearing in court and agreeing to this new arrangement sufficient? This request by Judge \_\_\_\_\_ seems ridiculous and redundant, and what assurance is there that he would be swayed by yet another person's opinion when the most important people involved were completely ignored?

\_\_\_\_\_ current therapist will testify to exactly what we stipulated in our agreement, seeing the anguish \_\_\_\_\_ has felt, is feeling now, and will continue to feel for many years to come. Now we are obligated to pay for professional testimony. Both parties involved are in dire financial straits, and do not have the resources to keep fighting this issue which was already settled between parents. The judge's decision is forcing us both to further waste time and money we don't have. Neither of us can afford a lawyer, and were treated as insignificant being pro per. Having to obtain this second opinion is causing us undue stress, financial hardship, time and emotional trauma. This situation has left \_\_\_\_\_ and I in a precarious situation. I am deeply troubled and gravely concerned over the outcome, when it should have been put to rest. In addition, not resolving the matter has re-opened the wound for \_\_\_\_\_ and keeps \_\_\_\_\_ wondering why we are still going to court over this, causing \_\_\_\_\_ further pain and stress, and guilt feelings. The judge is not acting in the best interests of \_\_\_\_\_ in any way, shape or form. This situation has been terribly stressful for the \_\_\_\_\_ us at our house, causing extreme duress and depression. It took me a week to even recover to the point that I could write this letter. \_\_\_\_\_ is still upset and extremely fearful that it wasn't resolved. I can't understand a judge in a legal system that refuses to hear and consider all of the facts, and makes arbitrary, inappropriate judgments based on so little information. He has ended up hurting all parties involved and wastes the court's and the people of the community's time and money, and does not act to

Please advise if there is anything further I can do to help remedy this situation.

Sincerely,