

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-308

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner was biased in favor of his ex-wife in their family law case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: October 29, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on October 29, 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

2014-308

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date:

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...

(Attach additional sheets as needed)

COMPLAINT AGAINST A JUDGE

Judge _____ County _____ Court _____

I am filing this complaint with the hopes that past and currently made decisions by Judge _____ which I believe to be bias, inaccurate, and very one sided, will be recognized and hopefully addressed appropriately. Judge _____ has handled this divorce and child custody case since _____ and I am not impressed by how she approaches issues regarding children and their well-being, nor how she determines right and wrong with regards to issues involving the parents of these children.

There are several issues that I have regarding decisions that have been made by Judge _____ and how she has allowed the petitioner to manipulate the system and shows blatant favoritism towards her. I will list only a few for now: In _____, I did a military transfer from _____ to _____ with the sole purpose of being closer to my children, who resided in _____ AZ at that time. Judge _____ had awarded me parenting time of every other weekend and determined that my parenting time portion/cost was _____, and mothers' (Petitioner) portion was _____. Judge _____ recommended that we meet somewhere for pickup and drop off that gave consideration to these guidelines. For the first _____ petitioner refused to meet me anywhere so our children and I could enjoy our weekends together at my home in _____. Instead, I drove to _____ every other weekend, staying in a hotel with our children and eating out every meal, just so I could have my parenting time. When I petitioned the court to receive reimbursement for _____ of dollars spent during this time, which the petitioner was _____ percent financially responsible for as per the court order, Judge _____ completely disregarded my petition and stated "That's not how it works". There was no reprimand by the Judge at all, so unfortunately parenting time continued to be an outrageous issue due to the petitioner's disregard for the court order. Eventually, the Judge ordered parenting time to be _____

Our [redacted] came to live with me in [redacted] in [redacted] because of ongoing issues between her and her mother. On one occasion, while I was in route to pick up our [redacted] in [redacted] on a [redacted] evening, the storms blowing through the [redacted] area had caused massive flash flooding. I immediately contacted the petitioner that I would have to change my route and drive through [redacted] and meet the Petitioner on [redacted] for pick up. The storms were so severe that my [redacted] and I got a [redacted] car, and my [redacted] and I had to stay in a hotel that evening. Approximately [redacted] later, I received an Emergency Return of [redacted] request from the petitioner that she had submitted to the court. The petitioner claimed that I refused to follow the parenting time plan, forcing her to drive further than what was court ordered for pickup and drop off. I had to find the [redacted] flash flood reports for that evening, print out a map and highlight the route of travel for pickup and drop off, and print out copies of all text messages from that evening and submit them to the court. Judge [redacted] did not order a hearing for this, but instead she stated that this was just a misunderstanding. I do not understand how blatant lies can be interpreted by a Judge as a misunderstanding, especially since the Judge was aware that the petitioner refused to meet me at all for parenting time for [redacted] months, intentionally violating the court order.

During the [redacted] years that our [redacted] lived with me, the petitioner continuously created lies about me and degraded me in front of our [redacted]. The petitioner stated that while she and I were married, I was repeatedly unfaithful and abusive. Not only are none of these allegations true, but they were also never mentioned during our [redacted] and a [redacted]. Our [redacted] felt cornered and forced to hear these allegations about her father for quite some time, which ultimately led to her needing professional counseling. After years of this emotional abuse towards our [redacted] I filed a request with the court to minimize the petitioners contact and parenting time, as well as a request for the petitioner to receive parenting counseling. During the court hearing, while under oath, the petitioner admitted to making these statements and allegations to our [redacted] testifying that our [redacted] should know these things about her father. She additionally made false statements that I was not keeping the petitioner informed of our [redacted] school activities and that I was not "Keeping her in the loop". I always ensured that the petitioner had complete access to our [redacted] educational information, as well as access to our [redacted] friends' parents. At the end of the court hearing, Judge [redacted] refused to order any alteration of the current parenting time plan, nor did she order the petitioner to attend a

parenting program or counseling. Instead, the Judge ordered both the petitioner and I to attend the [redacted]. The Judge only briefly commented on how the petitioner should never speak about those types of issues in front of children. Needless to say, I was absolutely appalled by the Judge's decision.

During this entire time, the petitioner had submitted several requests to increase child support. Since [redacted] I have been ordered to pay various amounts of child support, [redacted] per month in spousal maintenance, provide continuous health care benefits for our children and also pay for [redacted] of all unpaid medical expenses, as well as parenting time expenses that ranged from [redacted]. I have also been the only parent to maintain a steady income. Please keep in mind that the petitioner is a licensed [redacted] assistant with [redacted] of experience, but during our divorce she decided to stop working and attend [redacted] school, which she has now been licensed in for [redacted] years. Before several of our child support hearings, I requested that the court order the petitioner to provide at least [redacted] of pay stubs/income verification. This was never ordered by the court, therefore the petitioner never produced anything to the court to prove her actual income. On a few occasions, I provided the court with income information from various salary websites regarding the petitioner's field of employment for the region she worked in. The petitioner would deny making that amount and claimed to make roughly minimum wage; this has gone on for years and is still a current issue.

In [redacted] I was pulled over and charged with a [redacted]. I have always taken full responsibility for my action and I've done everything that I can to right my wrong. The petitioner has taken complete advantage of this situation to create more ridiculous allegations and lies about me. She has made allegations to the court that I have always had a [redacted] problem. Once again, this was never brought up in any way during our [redacted] divorce trial. This is simply an opportunity for the petitioner to once again manipulate the system. The petitioner has also made statements to the court that while living with me, our [redacted] had stayed the night at a friend's house where they had both snuck out, went to a party and got intoxicated, and our [redacted] was nearly [redacted]. I was completely baffled by this statement, and that the petitioner would actually create such a lie to manipulate the situation. Our [redacted] had never even stayed the night at that friend's house, nor would she ever be allowed to socialize with kids that would do such a thing, or that have parents who would allow that to happen.

Never the less, Judge [redacted] gave custody to the petitioner and took away all of my decision making rights for our [redacted]. She also awarded me very minimal parenting time, which the petitioner has refused to allow me on several occasions. The petitioner's refusal to once again follow the court ordered parenting time plan was brought to Judge [redacted] attention, but she once again did nothing about it. During the re-trial, I produced a witness statement from the County [redacted] website that was written, signed and notarized by the mother of the [redacted] that our [redacted] was supposedly with during that alleged evening. The witness statement states that no such thing took place and that our [redacted] had never even stayed the night at her home. This mother is very upset and angry by the allegations that were also made about her and her husband as being irresponsible. After presenting the statement, Judge [redacted] said that the statement was not admissible because I did not follow the correct procedure. The magnitude alone of that statement should have raised tremendous suspicion with Judge [redacted] as to the honesty of the petitioner's previous allegations, and should have certainly put the petitioner's integrity into question regarding her entire testimony. Combine this with previous false statements made to the court by the petitioner, as well as the lengths the petitioner will go to regarding our [redacted] in order to make me look bad, it is obvious that the petitioner has no boundaries, nor is she given any by our judge. Judge [redacted] acted as if the statement did not even exist, nor did it even matter. This solidified why I began losing faith in the judge that has been handling our case. I have only had two parenting times with my [redacted] this entire year, each time for [redacted]. A parenting time plan was supposed to be established during the last court hearing on [redacted] but Judge [redacted] refused to discuss this topic because the petitioner and our [redacted] now live in [redacted]. During the [redacted] court hearing, Judge [redacted] stated that she would no longer hear anymore issues with regards to this case because the petitioner needed to transfer the case to [redacted].

As part of the [redacted] court hearing, I had submitted a request to the court, as well as documentation to stop the spousal maintenance of [redacted] per month. I had to retire from the military on [redacted] which created a significant decrease in my monthly finances. I could not submit an accurate financial affidavit for the hearing because I had just retired and I was not receiving any pension payments yet, nor were there any pay stubs to annotate what my pension would be. I did submit a calculation of what I proposed my pension would be, showing the math and all numbers used to determine my calculation. I also showed what portion of my pension the [redacted]

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**