

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-317

Judge:

Complainant:

ORDER

The complainant alleged a judge was unethically biased against her.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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: 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 judge 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

2014-317

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 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.

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 1501 W. Washington Street
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Complaint Against a Judge:

I have Judge _____ assigned to my case _____ During the last hearing on _____ has made several negative statements during court, including verbal assumptions of what I want or what I am thinking as if to portray I am uncooperative or unfair with the terms of my court orders. During said hearing, Judge _____ stated, after hearing my therapists testimony and reviewing documentation from both my therapist and psychiatrist supporting unsupervised visitation between me and _____ that I "have a psychiatric disorder that...(makes me) unable to parent." That is a very discriminatory statement with no basis behind it. The judge made this comment after therapist, _____ stated that I had suffered from untreated post-partum depression and the disorder I was diagnosed with has symptoms that resemble post-partum depression. How is post-partum depression a psychiatric disorder? Is anyone that comes in front of Judge _____ with a unstable mentality considered by Judge _____ to have a "psychiatric disorder?"

It leads me to believe that anyone that comes before Judge _____ with a mental issue is deemed, "unable to parent," and he has an immediate biased against the person with the mental condition. After the hearing, I had a therapy session in which I spoke with Ms. _____ regarding this comment, and she asked, "What is he basing this on? How does he know that?" Does Judge _____ have a medical degree in psychiatry to make that assessment? Per my therapist, if a person with a mental condition is in consistent treatment and are doing well, they are able to parent. I have already provided this evidence that I have been in consistent counseling with letters from my mental health providers stating I am fit to parent without supervision.

On _____ during my regular follow-up with psychiatrist, Dr. _____ I told him that Judge _____ said I had a psychiatric order that made me unable to parent. Dr. _____ responded with, "He said that?" _____ then stated that no psychiatrist interviewed me and determined I was unfit. He said _____ may have overstepped his boundaries and "can't back that up." _____ added that the only two psychiatric disorders that would make a parent unfit to parent would be _____ and uncontrolled

In my opinion, [redacted] made these statements on record, as if to severely discredit my mental stability. Also, during the hearing on [redacted] Judge [redacted] stated, and I am paraphrasing, that I will continue to fight and fight until I get everything I want, to include full custody of [redacted] This is untrue, and I rebutted that I believe a child should have [redacted] parents equally involved. I also stated that I am fighting for more than the approximate [redacted] a week her father has allowed me, which, according to my therapist, is very little time for a parent to have with a child to form a bond. Regardless of what I say, Judge [redacted] has formed his own opinion of me as a fighter, fighting to get everything I want up to full-custody, when I am actually persistent and standing my ground to get more than the approximate [redacted] a week of parenting time, which is hardly enough to form a bond with a child over the tenure of [redacted] years. I am confused as to how he distorted my goal to such a negative extreme. Persistence is an excellent quality to have, and [redacted] will greatly benefit from having a mother who pursues what is in her child's best interest.

Today, during my hearing on [redacted] when after [redacted] asked me if I was in agreement with the adjusted order and if I thought it was in the best interest of my child, I responded, "Yes." I had no reason to lie. I was under oath, and if I had felt otherwise, I would have spoken up. After I agreed, [redacted] went on to state his opinion, which was referenced to me as the "mom-side" that the mom, "probably didn't get what you want." By this comment, Judge [redacted] stated that I was lying. I don't understand how it is okay with a judge to speak to a litigant in such a manner. I had already agreed that I was content with the new conditions of the arrangement.

[redacted] has seemed to confuse the fact that I am persistent with me wanting to fight the court system, or he has a genuine bias against women, or both. His attitude towards me versus my [redacted] father is as if I am a disobedient child, particularly in the way he talks down to me while he lectures me. Other times, I feel he is talking down to me as if I am a criminal. During the [redacted] hearing, towards the end of the hearing, [redacted] informed me that he was aware that I filed a motion to recuse him and that he read the recuse in its entirety. I know I filed it. He knew I filed it. What was the purpose of mentioning it during a hearing that was irrelevant to recuse? I was under the impression that his comment was intended to be some sort of intimidation tactic, as if to say, "No matter what, I am your judge, like or not, you will deal with whatever ruling I decide." There was no need to mention to recuse, as it seemed he did so only to insinuate an authoritarian message to me.

I have persisted for the past [redacted] years in endeavoring to obtain a relationship with my [redacted] as I went through substantial heartbreak in my life. If I had not been persistent to overcome the grief, I would not be standing in court this year, pursuing what is in the best interest of my [redacted] The manner in which Judge [redacted] sneaks in ways to discredit me through his comments; that is unacceptable. It is neither impartial nor objective behavior. It should be addressed. I am aware [redacted] was charged in [redacted] by the State of

Arizona for sexual harassment. If he has a problem with women, perhaps he should seek counseling. My therapist suspects he may have a bias towards women because he is still holding onto anger regarding the _____ censure. Perhaps _____ of "gender sensitivity" training was not sufficient to rectify the problem. I suspect if I were a male litigant, _____ would not make such discrediting and discriminatory comments about me in the courtroom. I sincerely hope the Commission on Judicial Conduct investigates the comments he has made. My last two recent dealings with Judge _____ were the court hearings on _____ and _____. The court recorder was _____.

As the party in litigation, I am entitled to have my case decided by a judge who can approach the facts in a detached and objective manner. Per _____ statements, it shows he has formed a personal opinion of me and his comments demonstrate his bias towards me. In accordance to the Arizona Code of Judicial Conduct, Canon 1, Rule 1.2, "a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." Comment number one under the same rule states, "Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge." From what I've heard from more than one attorney and from other litigators who have been in _____ court room, it's been repeated that, "Judge _____ hates women." Comment number _____ under the same rule states, "Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the rule is necessarily cast in general terms."

Lastly, Ms. _____ stated that if Child and Protective Services had been involved with my case since day one, this case would have been over years ago, because CPS has checks, balances, and milestones for the parent to reach in order to dismiss supervised parenting. Judge _____ did not ensure any milestone goals were put in place in _____ to progress towards unsupervised visitation, when the order originated, as CPS does.