

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-378

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge demonstrated bias toward her, independently investigated facts in her case, and engaged in improper ex parte communication.

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: February 2, 2015

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 February 2, 2015.

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

I would like to file a complaint against Judge _____ are ICPC-
 approved to adopt our
 foster care, where they reside in two different foster homes. We contacted child protective
 services within 30 days of their being placed in state custody to inform them that we wanted to
 adopt both children if parental rights were severed. Prior to a hearing on _____ I
 placed a telephone call to Judge _____ office and asked the judicial assistant the best way for
 me to get a letter to the judge, as I wanted Judge _____ to know just how much these children
 are loved and wanted in _____, where their entire extended family reside. A character letter
 was also sent. The judicial assistant informed me that the letters need to go to all attorneys on
 the case, as well as the foster care review board. Letters were sent to all parties (see enclosed).
 During the hearing on _____ a hearing that _____ advised us that we did NOT need
 an attorney for, the attorney for the biological mother, _____ asked Judge _____ if we,
 as family, could address the court, since we had travelled from _____ to do so. Judge _____
 not only denied us our right to be heard by refusing to let us speak, she spoke to us in a
 very demeaning manner to inform us that she had no intention of reading our letters because
 they did not go "through council". Could Judge _____ not have simply asked one of the
 attorneys to hand her a copy of the letter? Judge _____ ruled that day to sever the rights of
 _____ and _____ biological parents and to allow the children to be adopted separately by
 their foster parents, despite them having _____ family to adopt them both together.
 We were then forced to hire an attorney to fight for our family. Judge _____ has
 demonstrated extreme bias against our family from the beginning of this case. The adoption
 unit case manager, _____ commented to me (on _____ as she was picking up
 _____ from our visit at _____) that it was such a shame that the judge has been so
 biased against my family from the beginning of this case. _____ also made the
 same remark to my _____ approved to adopt
 them, during a telephone call on _____ At no time during our struggle trying to adopt our
 family has Judge _____ demonstrated impartiality. If the children's attorney filed a motion, she
 responded in a matter of days. If our attorney filed a motion, she held onto it for weeks. Judge
 _____ was never fair to us, and certainly not objective and open-minded. She continually
 signed motions to not allow us to have overnight visits with the children, despite the fact that
 all supervised and unsupervised visits during our _____ visits to Arizona (in _____ months) went
 extremely well.

Judge _____ allowed the children's attorney, _____, to maintain bias against
 us as adoptive parents for these children. Judge _____ did not seem to have a problem with
 the children's court-appointed attorney NEVER spending any time with the children and their
 family. What children's attorney in their right mind would not want children placed together

and with family? What children's attorney looking out for the best interest of the children not want to place a [redacted] with [redacted] with her [redacted] who has been a [redacted] years? Judge [redacted] knew that the [redacted] worker and [redacted] omitted these facts from their reports and statements, and that was permissible to her. I believe that by doing so, Judge [redacted] manifested bias and prejudice in each proceeding, which greatly impaired the fairness of the hearings.

Judge [redacted] appointed a [redacted] whose profile states his practice is limited to ages six and up to perform a best-interest assessment (on a [redacted] year old). The [redacted] did not perform the same [redacted] on all parties...he only performed [redacted] He never even met one of the foster-fathers [redacted] and not any of [redacted] foster siblings. How is one to determine best interest if he does not even know the family that will be raising this child? Yet Judge [redacted] felt that he was qualified to rule that the children should remain in their current, non-familial placement where biological siblings are separated. Judge [redacted] accepted this extremely incomplete assessment written by a [redacted] not qualified to treat [redacted] This is again demonstrating her bias against us, the biological family of these children, and her complete partiality towards the foster parents, as well as her incompetence with choosing [redacted] for children in her jurisdiction. Judge [redacted] made it quite clear that she would not allow any further testing of these children, thus eliminating any possibility of my husband and I from hiring and independent [redacted] This is another example of her bias against my family. She would only allow an under-qualified, state-paid [redacted] to [redacted] AND she accepted his shoddy [redacted] which disagrees with 90% of the modern world AND federal legislation which states that children fare far better throughout their lives when raised with their siblings and with qualified, loving biological family.

Both of the biological parents of these children requested that they be placed together and with their family. They were denied their right to be heard by Judge [redacted] as well.

Judge [redacted] independently investigated the facts in a matter regarding my use of an electronic medium, and discussed this ex parte. I made a you-tube video in an attempt to secure information from others that have had to fight for their families, looking for someone to help save my [redacted] from this horrific fate of being raised apart and by non-family, despite having approved family to adopt them. I believe Judge [redacted] discussed this with the children's attorney, [redacted] held me in contempt of court and made me

hire an internet scrub company to remove the video, despite the fact that I had taken it down when asked to do so by the children's attorney.

In summation, Judge has proven to be an extremely biased judge. She denied us our right to be heard during several court hearings, she was demeaning in her manner of speaking, not only towards me and my husband, but also to the of these children. Judge was openly partial towards the foster parents, as well as the children's attorney. I did not find her to be fair. I did not find her to be objective. I did not find her to be open-minded. also noted and acknowledged the bias demonstrated towards my family. My own attorney, stated that the judge just does "not like you". Placing children with loving, qualified family that want to adopt them both together should not have anything to do with whether or not someone is "liked"—it should have everything to do with qualifications, which we certainly have, and love, which we have in spades. It should have everything to do with us wanting both children together, and being qualified to raise them.