

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-232

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge misapplied the law in a custody proceeding.

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: September 30, 2015

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 September 30, 2015.

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

The following is a complaint against the "Honorable" Judge \_\_\_\_\_ Division  
 County \_\_\_\_\_ Court, Arizona. The statements below are facts from a  
 Hearing \_\_\_\_\_ at \_\_\_\_\_ as well as events after the  
 hearing and accurate as of \_\_\_\_\_

County \_\_\_\_\_ Court - \_\_\_\_\_ I was sitting in on court sessions  
 being intrigued by \_\_\_\_\_ I was observing how various attorneys act in front of the Judges as well as  
 how judges respond and make decisions. I have sat through cases in \_\_\_\_\_ County where I currently  
 reside but visit \_\_\_\_\_ my hometown to observe as well. On this day I viewed cases in the afternoon to  
 which this case and decisions made there in were made with complete disregard to ARS statutes in effect  
 when motions were originally filed. I have kept in contact with \_\_\_\_\_ to follow case  
 updates and she is unaware of my complaint.

The Case my complaint is based on is:

- Petitioner

and

- Respondent

Case

The events are as follows:

- Respondent attorney mentions fact that the Petitioner father filed objection unreasonably late  
 Judge accepts objection of Petitioner \_\_\_\_\_ which \_\_\_\_\_ received notification of  
 Respondent \_\_\_\_\_ intent to relocate \_\_\_\_\_ to \_\_\_\_\_ County on \_\_\_\_\_ which he  
 signed via certified mail with return receipt (ARS §25-408b). This gives \_\_\_\_\_ notice (*one and a  
 half times the required ARS Statute in print at time of notification*) prior to relocation with \_\_\_\_\_ for  
 to object included. Petitioner father files \_\_\_\_\_ on \_\_\_\_\_ which is **days from time of  
 receipt** via certified mail and return receipt signed acceptance. Per ARS §25-408c, the \_\_\_\_\_ had \_\_\_\_\_ days  
 from receipt to respond and object to the \_\_\_\_\_ intent to relocate of which he was **days outside of the  
 allotted 30 days** without a showing of good cause of which the Petitioner \_\_\_\_\_ presented none.

- Respondents attorney informs court that Petitioner \_\_\_\_\_ and Respondent \_\_\_\_\_ began speaking about  
 relocation in \_\_\_\_\_ The father offered various schedule modifications and later redacted the offers when  
 \_\_\_\_\_ attempted to file a motion with court, Petitioner \_\_\_\_\_ acknowledges this as true. Respondent  
 requested a Motion for Conciliation mediation on \_\_\_\_\_ to work out a feasible schedule with similar  
 parenting time as current order. Mediation was held on \_\_\_\_\_ months after petitioned which  
 Petitioner and Respondent could not come to an agreement. Judge \_\_\_\_\_ acknowledges that  
 Petitioner \_\_\_\_\_ had ample time and notification of the Respondent \_\_\_\_\_ Intent to Relocate yet did not  
 file an objection through his attorney of himself.

- Respondents attorney advises Judge that a request had been made to have a hearing for relocation in and a hearing had not been set as Judge states she does not know how that was missed.

- Judge states that a hearing will be set in the relocation of Respondent and county and would need to be done as soon as possible. Judge also advises court that a change in ARS Statute §25-408 had gone in to effect on *lays after* *was served* an *by Respondent mother and* *past the Petitioner* *deadline to file an objection*) to which she would have to follow. Judge advises Respondent and her attorney that per new ARS revision on *(modifications attached pertinent sections highlighted which actually hurt Judge logic and decision)* that the child would be required to relocate back to and enter school which had already been in session for **However, per the ARS that Judge cited, she was also incorrect in her decision as the only change was shortening the required amount of notice given to other party from *lays* to *lays* to relocate until a hearing on relocation could be held. Since the has a greater amount of parenting time and per Arizona Department Support Enforcement, the Respondent is "Primary Residence" of**

#### ARS 25-408(F)(1)

***"A parent with sole legal decision-making or a parent with joint legal decision-making and primary residence of a child who is required by circumstances of health, safety, employment or eviction of that parent or that parent's spouse to relocate in less than forty-five days after written notice has been given to the other parent may temporarily relocate with the child."***

Judge states that the parties must come up with a temporary order which has in and be enrolled in a school until the court can assign a hearing on the matter. Respondent's attorney argued that the ARS Statute which he and his client followed had not yet been revised, the Arizona State Legislature site had not been updated to reflect such future changes, nor have local attorneys been advised of any changes. Respondent's attorney also argued that when notification was made to Petitioner the previous ARS statute was in full effect under Arizona laws which allowed to move until a hearing could be held which she had made a request to the court for a hearing in

It is in no way the Respondent fault that she followed current ARS Statutes and the court took months to set a hearing prior to the request for a made in while the prior ARS §25-408 Statutes were in full effect. There is no way for an individual to predict what ARS statutes will change to if and when they do, especially when there is not notification on the Arizona State Legislature under the Statute in question regarding an upcoming change therefore a party must follow the current ARS on the Arizona page as well as published literature available to attorneys. Judge states the world is going to be turned upside down and a hearing will be set as soon as possible and the child will need to reside in per current order.

\*With the logic given by this Judge, the Legal community would have a difficult time making charges valid if said charges followed current ARS Statutes at time of crime when arrest was made and filed but due to a single or even multiple ARS revisions prior to the court date due to a prolonged wait time, different charges would need to be brought or perhaps the original charges no longer applied.\*

- Parties meet after the event on [redacted] and though unjust the Respondent [redacted] agrees to a temporary order which removes the [redacted] from [redacted] home and takes [redacted] from the school [redacted] was to start on [redacted] in which while this event was being heard the student was meeting [redacted] new [redacted] The [redacted] has also had an opportunity to meet with [redacted] from school and [redacted] with them because they reside in [redacted] neighborhood. The respondent [redacted] and [redacted] had been living in this neighborhood for [redacted] month due to the [redacted] failure to respond she went on good faith per her and her attorneys interpretation of ARS §25-408 which was in effect at the time and [redacted] her job in [redacted] after being offered a better position at [redacted] with benefits as well as offering of a quality school for her child to get a better education. In this temporary order, the Respondent's attorney also requested a hearing as soon as possible. The Judge signed this temporary order on [redacted] **days after the submission of the order.**

- On [redacted] Judge [redacted] made a minute entry which states:

***"The court has reconsidered its findings as to the applicability of the Statutes effective The Court will issue findings and orders by separate order."***

As of [redacted] Judge [redacted] had not provided separate orders [redacted] and Respondent [redacted] requested her attorney submit an "Emergency Motion" both requesting an Emergency Hearing (*this is the Respondent [redacted] for a hearing since [redacted] on the matter*) date as well as requesting Judge [redacted] promised [redacted] per her minute entry. (***Minute Entry attached***)

- On [redacted] Judge [redacted] signs Temporary Orders from the [redacted] after orders filed leaving no ability to enforce) as well as assigns a Hearing date of [redacted] days after request of "**EMERGENCY Motion for Ruling, and Setting of Permanent Hearing and Temporary Orders Hearing**"). Judge [redacted] failed to provide promised [redacted] per the Emergency Motion request submitted by Respondent [redacted] attorney for Judge to fulfill her promise. This statement was made as a minute entry and initialed by her thus making this a legal admissible court document.

*----The information above is a factual account from the [redacted] and hearing along with events to date since the Judges blatant disregard to her duty as Judicial representative by disregarding Arizona Law and creating her own laws in her courtroom.---*

From what I understand from conversations with Respondent [redacted] this Judge has continuously sided in favor of Petitioner [redacted] despite the fact [redacted] has failed to uphold court orders made by said Judge such as payments and [redacted] Benefits to name just a few instances. The Petitioner attorney is religiously late with responses and Judge [redacted] accepts these late responses without "good cause" as per ARS Statutes requirement. The Petitioner and [redacted] attorney request information in these late responses regarding all personal information of the Respondent and those she is around yet will not divulge the requested information regarding the same in their lives and hires a private investigator to attain the information. The Judge appears to show a complete disregard to the benefit of [redacted] involved in cases and her actions on this case as well as other cases will show this. If the Commission reviews this case and most other cases under this Judge in their entirety it will find Judge [redacted] poor decision making based the on facts provided to the court showing a complete disregard to ARS Statutes

which are the laws in which the Judge took an oath of office swearing to uphold said laws of which her sole job is to enforce and follow.

Attached are the minute entries from the \_\_\_\_\_ and \_\_\_\_\_ hearing of which I have obtained a copy of, and a print off showing dates filed from \_\_\_\_\_ Courts Case search page for a list of dates to show the speed in which this court process its cases. Having to request a hearing \_\_\_\_\_ times for a court to act and for a Judge to make promises of orders and not follow through brings a bad taste to the Arizona Judicial System and should be addressed immediately. This fails to meet the **Arizona Judicial Branch Court Services Division Vision:**

***“To serve the Arizona Judiciary and the public as a trusted leader and partner.”***

If the Court division is that “over loaded” as told to local attorneys, perhaps: 1) A second Judge should be assigned to help alleviate the case load, 2) The current Judge should follow the ARS statutes and in good faith look at the facts provided in the case when making decisions, 3) Make decisions which truly benefit the \_\_\_\_\_ given said facts in the case while abiding by ARS Statutes, this will help minimize the case load in this court simply because the law is followed and parents who are following the law and honestly providing in the best interest of \_\_\_\_\_ would not have to continuously seek court action to provide a healthy and nurturing environment for their

Again, the parties involved in this case are unaware of the complaint being made and I wish to remain anonymous to them due to the possibility of being in the court under this Judge in the future. I do not want retaliation brought on myself or the Respondent \_\_\_\_\_ for pointing out Judge \_\_\_\_\_ unjust interpretation of Arizona Law and creating her own laws. Any findings in this complaint please send to the Respondent \_\_\_\_\_ attorney:

Address:

Email:

Phone:

Thank you for your review in this matter, I hope justice can truly be served in this case as well as in others under this Judge.

"Law, without force, is impotent.

Signed,