

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-329

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge, now retired, made delayed rulings, did not timely give notice of rulings, and caused excessive litigation between the parties.

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: January 13, 2016

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 January 13, 2016.

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

Commission on Judicial Conduct
 1501 W. Washington
 Suite 229
 Phoenix, AZ 85007

I am filing a formal complaint against [redacted] who is not a judge on my case as of recently. I wanted to file earlier, but I was concerned of retaliation. I have two witnesses who would gladly testify in court if needed. [redacted] shows signs of persistent failure to perform duties and I believe willful misconduct. I am asking that I be relieved of the recent sanctions because they were unfounded and I was not given proper notice by the courts to defend myself. I was not able to respond by [redacted] or earlier to employ an attorney to respond to the allegations. Below are examples of her misconduct and failure to perform her duties.

1. She kept changing her mind after passing her order(s) [redacted] about setting an evidentiary hearing in her minute entry and even as recently as [redacted], reversing her own order to grant Petitioner's objections to parenting plan. (Exhibits 1-4).
2. She frequently goes past the standard number of days to respond which causes excessive motions/litigation between parties.
3. Knowing I was pro se (representing myself), she purposely did not give me notice or file a minute entry allowing me time to respond by the cut off date of [redacted] of this year in her hand written order. She did not send me a copy of what she sent to the opposing attorney [redacted] I was later forwarded a copy by the opposing party who purposely did not send me her hand written order until [redacted] (Exhibit 8-11) whereby the response time had passed per her hand written notes.
4. She consistently ignored motions, and trampled on my legal rights when I was unrepresented.
5. She did not fix or clarify what she wanted out of the [redacted] hearing when the opposing party accused Petitioners attorney filing for a change in custody. This led to confusion and again excessive litigation.
6. She is consistently unclear with defined dates even in her sanctions against Respondent which lead to further litigation and motions.
7. She does not care for the welfare of children and in fact disregarded over the years [redacted]

It started back in [redacted] when she filed an order for both parties to attend conciliation services, but never provided the parties with instructions. [redacted] then filed to vacate post decree mediation to drop the hearing that he requested to block [redacted] from moving to a better school, which should have vacated the earlier motion as both parties were in agreement. Instead she still had the hearing on it. When I requested an evidentiary hearing, on the interim recommendations and orders from a PC, in the judge's minute entry dated [redacted], she stated it is ordered that Evidentiary Hearing will be set at the review hearing. However, she never bothered to set a hearing on [redacted] as noted in her orders and on the recording. In fact she did not allow me legally the ability to provide evidence that the PC made recommendations that had proven to be harmful [redacted] without even talking to the [redacted] which was not following the judges orders with excessive change in parenting time which was not legal per the judges orders for PCs. My rights as a citizen and as a parent was ignored. In the meantime, our son was proven to have medical issues that were

further impacted by the PC recommendations and caused more harm as noted by
(Exhibits 5-6) with the excessive transition recommended by

Prior to our hearing in _____, she signed an order on _____ (Exhibit 7) agreeing to the proposed changes and additions to the parenting plan. The opposing party in October agreed they never responded (recorded in court) because as _____ said, "he did not realize he had to." This was untrue and ridiculous for a _____. She changed her mind and reversed her own orders.

Then recently with our family court case, she signed an order on _____ that _____ pay the sanctions defined by the Parenting Coordinator and then again on _____. In the order she did not clarify herself with date range which caused the Respondent to file a motion to reconsider as she changed the sanctions and extended it to _____ because she omitted the date range of the original sanctions. This caused excessive litigation whereby then Respondent and attorney filed several motions that _____ had to respond to which caused excessive cost of litigation.

Finally this year on _____, I was not given her rulings that are not posted in the docket either. She being an officer of the court, should have sent me a copy of the orders. In short, I was never given notice to respond within the cut off date of _____ and wrongfully sanctioned. I made very clear due in an earlier motion to change PCs from the begin of the case and at the end of the case that financially I was in no position to pay the PCs fees and due to her willful and persistent failure to perform her duties led to confusion throughout the entire case which caused excessive litigation.

In conclusion, the judge did willful misconduct especially in her most recent rulings which should have no legal force or affect:

That failure to follow simple guidelines of their post makes a judge's action no longer a Judicial act but an Individual act as the act represents their own prejudices and goals, Case Law also states that when a judge acts as a trespasser of the law, when a judge does not follow the law, he then loses subject matter jurisdiction and the Judges orders are void, of no legal force or affect. (Fed. Court title 42).

I look forward to your prompt response.

Sincerely,