

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-347

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner was prejudiced against her, made her pay fees related to a court error, and prematurely issued a ruling in a family law matter.

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.

After review, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission approved sending the commissioner an advisory letter reminding him to ensure that all response times have elapsed before issuing a ruling so as not to violate Rules 1.1 and 2.6(A). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Gus Aragón and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 30, 2016

FOR THE COMMISSION

/s/ Peter J. Eckerstrom

Hon. Peter J. Eckerstrom  
Commission Vice-Chair

Copies of this order were mailed to the complainant and the commissioner on March 30, 2016.

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

**I understand the commission cannot reverse court orders or assign a new judge to a case.**

**I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.**

Signature \_\_\_\_\_

Date: \_\_\_\_\_

### **INSTRUCTIONS**

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

To The Honorable Judicial Commission:

I, \_\_\_\_\_ hereby submit the following Judicial Complaint.

On \_\_\_\_\_ Commissioner \_\_\_\_\_ heard our case involving a change in Physical Custody of a Minor Child. During this whole hearing, he sat mainly with his head down and sometimes writing appearing disinterested. There was only \_\_\_\_\_ times that he basically perked up and showed a peaked interest and that was once where he heard "foul" language as he stated and the \_\_\_\_\_ when the opposing party, \_\_\_\_\_ admitted to \_\_\_\_\_ on the stand. Even though \_\_\_\_\_ admitted to \_\_\_\_\_ the Judge did nothing. However, this is only part of the complaint. I believe due to some of the language he heard, he took personal offense and therefore completely ruled before deadlines even lapsed.

While I represented at the trial, my lawyer and I parted directly after. Before the hearing, the Judge was made aware via Notice to the Court that the opposing party was in contempt of court for not filing his \_\_\_\_\_ and the Judge never ruled on it or even mentioned it. Also, the court erred and " \_\_\_\_\_ " for the Motion for In Camera Interview and the Judge ordered me unjustly to pay the opposing parties fees regarding their duplication responses even though it was admitted it was a court error. Lastly and foremost:

After the hearing, we did not receive a ruling until \_\_\_\_\_ In that order, the Judge awarded attorney fees to the opposing party stating that " \_\_\_\_\_ ". Even after the opposing party was in contempt and finally filed his \_\_\_\_\_ the Judge never apparently read it. The Judge, when ordering award of attorney fees MUST evaluate the income of both parties, not the words of a \_\_\_\_\_. If the Judge had actually looked at the incomes, he would note that the opposing party makes over \_\_\_\_\_ to my \_\_\_\_\_. There is a definite disparity which now makes it impossible due to his ruling to even see my child. \*He ordered me to pay over \_\_\_\_\_ in less than six months. Completely unreasonable.

Also a complaint: In his order, the wording was such that I wasn't unable to properly understand. He stated that they had to file a \_\_\_\_\_ before \_\_\_\_\_ and then I could object by \_\_\_\_\_ and then he would issue a ruling. This wording made me think that I had to wait until the Judge ordered everything to file a Motion for Reconsideration of Attorney Fees based on the lack of financial viewing he did and the reasons why. Before the \_\_\_\_\_ deadline even hit, he ordered me to pay the full amount of attorneys fees on \_\_\_\_\_. I immediately filed a response regarding the deadlines, financial dispute, etc. and was denied. The Judge states I had filed untimely. I believe that the Judge should never have ruled without viewing all financials, never have ruled prior to a deadline and also should have ruled on the contempt as well as not make me pay for a court error, and most of all, not make a most unreasonable order of over \_\_\_\_\_ monthly to a mother who is struggling and now cannot even have parenting time due to this order.