

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-059

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge was prejudiced against women and improperly refused to refer the parties to mediation in a family law case.

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(a).

Dated: April 6, 2016

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 April 6, 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.

Complaint is enclosed.

On \_\_\_\_\_, Judge \_\_\_\_\_ denied my request for mediation. I had written in my request that my current parenting plan, ratified by \_\_\_\_\_ on \_\_\_\_\_, would have to change when my daughter began school in \_\_\_\_\_. Because \_\_\_\_\_ denied mediation, I am held to a parenting plan that only allows me to see my daughter on alternating Mondays, from \_\_\_\_\_ until \_\_\_\_\_ and Friday from \_\_\_\_\_ until \_\_\_\_\_, and the following week on Tuesday and Thursday from \_\_\_\_\_ until \_\_\_\_\_. Additionally, every other weekend from Friday at \_\_\_\_\_ until Sunday at \_\_\_\_\_.

Now that my child has begun school, I have lost most of parenting time on Mondays, Tuesdays, and Fridays because the child is in school from \_\_\_\_\_. Prior to the start of school, I had 51 hours a month, or 2.125 days a month to see my child. With the commencing of school and per the last court-ordered parenting plan, I am reduced to 36 hours, or 1.5 days a month to see my child. The judge should have realized a new agreement was needed. By denying mediation, my options are to stay with the parenting plan in place because the father allow me more parenting time outside of the court-approved parenting plan, or go to trial, which would cost me thousands of dollars to retain an attorney in my defense. Neither of these options are just or fair to me and my child.

Additionally, mediation was needed to hash out a parenting plan for the child's fall break, exodus break and spring break.

Per the \_\_\_\_\_ parenting plan, \_\_\_\_\_ it states,

**"We understand that court-sponsored mediation is available to help us negotiate changes in the Parenting Plan prior to or instead of going to court. IF MAJOR CHANGES MAKE THE PLAN NO LONGER FEASIBLE, we agree to seek mediation prior to making unilateral changes. Alleged breaches or other disputes concerning this agreement will be addressed through meetings using the services of a qualified mediator. We understand that the court-ordered plan must be followed child disputes are being resolved. We agree to review this plan at least once every year, and to seek assistance if we cannot agree to continue this plan."**

I submitted the request for mediation, because, according to the parenting plan, it was within my legal rights.

The father has refused to review the plan for one that moves towards 50/50 parenting time or that is more accommodating to my new work schedule and the child's school schedule.

By denying mediation and forcing the option of trial to discuss change of the plan, not only is the judge inconsiderate of the financial hardship it can cause to retain an attorney, but if trial is not the option, the judge is giving the father parental preferential treatment in this case. The father repeatedly and consistently denies extra time I request, although he has stated in past mediations he would offer flexibility and more time if I wanted to do something special or extra with my child.

It has been to my understanding from narratives told to me by other female defendants and three local attorneys, two who are male and one that if female, that is biased against female litigants. I am being forced to work with a parenting plan that is unfair in time without reason, as I am not a criminal, nor have I ever neglected or abused my child. Per ARIZ. REV. STAT. 25-403.02, Arizona requires courts to "adopt a parenting plan that provides for BOTH parents to share legal decision-making regarding their child and that MAXIMIZES their respective parenting time." has not implemented this statute for this case.

Also, per ARIZ. REV. STAT. 25-403.02 (d), "A parent who is not granted sole or going legal decision-making is ENTITLED to reasonable parenting time to ensure that the minor child has substantial, frequent, and meaningful contact with the other parent..." Again, has not implemented this statute in this case.

Also, per ARIZ. REV. STAT. 25-403.02 (d), "A parent who is not granted sole or going legal decision-making is ENTITLED to reasonable parenting time to ensure that the minor child has substantial, frequent, and meaningful contact with the other parent..." Again, has not implemented this statute in this case.

Additionally, per ARIZ. REV. STAT. 25-403, Arizona explicitly permits courts to consider "whether one parent intentionally misled the court to cause an unnecessary delay to increase the cost of litigation or to persuade the court to give legal decision-making or a parenting time preference to that parent." Since , my child's father has had parenting preference during his attempt to convince the court I am mentally unfit to parent, and has supported this theory, although I have provided both testimony and letters from both my therapist and psychiatrist to state I am mentally fit to parent my child. Never has Child Protective Services been involved in my case. I have no criminal record. Still, I feel has treated me like a criminal that deserves whatever time the father permits me to have. This is incredibly unjust, discriminative, and not in the child's best interest. This has also fostered a spiteful relationship between the father and me. The father communicates with me in an authoritative and superior manner, as if I am inferior, or a distant relative to the child. It is no wonder the father and I do not get along, and the excessive amount of parenting time granted to him with little to me does not facilitate a positive working relationship.

It seems as if is in fact, a biased judge, who continually gives the father parental preference in this case.

Secondly, on proceeded to read my case file during the review trial. continued to read my case file as was on the stand, testifying on my behalf. Post-trial, she stated that it seemed as if didn't hear a word she said. I feel it is unprofessional and inappropriate to not be privy to the case details prior to the hearing. A judge should not be reading the case file's details during the hearing.

Thirdly, \_\_\_\_\_ stated that I was "mentally unfit to parent," quite conveniently, when there was not a court recorder present to record the comment. There should be a court recorder present during \_\_\_\_\_ trials on all of its days, at all times.

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