

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-189

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge conducted a hearing without proper notice to her and misrepresented that she would be transported to a family law hearing while incarcerated.

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).

Commission members George Foster and Anna Mary Glaab did not participate in the consideration of this matter.

Dated: August 24, 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 August 24, 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.

On _____ I was in _____ courtroom. It was supposed to be a hearing to determine how the visitation schedule was working for my son's dad and I. But instead it was a trial, one that I HAD NOT been notified of in any way. _____ was told of this, but allowed it to continue, even though I had not had a chance to see the items of for discovery or go over anything. The judge continued on with the trial. The other party's attorney examined the witnesses. After that _____ directed me to cross-examine them. I told him that I really didn't know what to ask or say as I wasn't an attorney. In reality I wouldn't have been able to think of any questions anyway as I was shocked and horrified as to what was taking place. But he continued on with the trial.

I had a criminal case pending and was awaiting sentencing. I was concerned that I might be incarcerated on the date of the next hearing, but before the end that day he stated that if I was incarcerated, that they would make sure that I was in court. And with that, the trial was adjourned.

The next hearing was set for _____. In my criminal case I had been sentenced to _____ in _____. So I would be in _____ but as _____ had assured me before, they would have me at the hearing as I would be in their custody for sure. So I wasn't worried. I trusted and believed what the judge had said. While in custody, I mentioned to several _____ about having _____ in the days leading up to _____ they too said I would be pulled _____ and taken to court the night before as was the procedure for all inmates going to all courts. I asked if they could find out ahead of time if I was on a list for court on that day. They told me there was never any advanced notification. Needless to say, _____ in the very early hours I was expecting to be taken _____ and readied for court later on that morning. I was awake when they called inmates for court. When they finished and I hadn't been called, my stomach sank and I felt sick. I asked the _____ on duty why I hadn't been called, and they didn't know, but said evidently I did not have court that day. I had to assume that was true, I had no way of finding out or knowing why. I thought maybe my son's dad had dropped the case or it was continued, or something. In any event I was almost positive that holding a hearing in the absence of a defendant/respondent when they are incarcerated is not allowed.

When I was released, I was at home going through the mail that had accumulated over the last [redacted]. There was a letter from [redacted] and when I opened it, it was yet another, catastrophic sucker-punch dealt by [redacted]. I read, in total shock and horror, that the judge allowed the hearing to proceed in my absence [redacted]. He didn't ask or try to find out why I wasn't there, he just dismissed it as irresponsibility on my part, or something intentional. [redacted] ruled/ordered that I had lost by default because I was not present in court. The judge had promised me on [redacted] that I would be taken to court as long as I was in custody. I feel like [redacted] lied to me. I have lost all faith and trust in the law and our judicial system. Now, to me justice is a foreign concept. I read in the [redacted] that [redacted] said over and over that I should have filed a continuance. First of all I had no idea that I could do that, and second, why on earth would I? According to [redacted] I was going to court. It never occurred to me to do that or anything because of the promise made to me. And every day leading up to [redacted] I truly believed I would be there. [redacted] went on to say that enough time had been spent on me and this matter.

I lost custody and unsupervised visitation with [redacted] because I was lied to. The judge took away the only thing that meant everything to me for absolutely no reason. He ordered supervised visits with Parenting Skills at a cost of \$ [redacted] per hour that I was to pay entirely. I didn't know how I would pay for them. I was just released from jail, had lost my apartment, all my belongings, everything. I didn't request to have supervised visits and don't understand why I would be financially responsible for them. So I was facing never being able to even see my little boy as well. My [redacted] was scorned and angry. He knew the only way to hurt me was to take [redacted] away. He lied profusely in court and [redacted] believed him and ultimately violated my civil rights so very bad.

My [redacted] life with the orders [redacted] handed down has been very hard on him and he is very angry. The judge never mentioned or even considered [redacted]. This travesty has left a huge hole in them. They lived together up until [redacted] and haven't even seen each other in [redacted] years. They have been robbed of many things, things like quality time spent together, special family moments and memories, etc. They will never get them or the time that has been lost back.

Please take all the things I have said into consideration. I feel like the judge was very careless with my family and my life and extremely foolish at the very least.

Thank you so much for your time.

Sincerely,