

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-302

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge refused to allow her to be heard, denied her an attorney, and made improper rulings in a dependency 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(a).

Dated: December 14, 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 December 14, 2016.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2016-302

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

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has deprived my family of a fair and impartial hearing. He has denied us due process. We have never been allowed to say a word on our behalves; we have never been allowed to answer allegations. The entire Dependency has been moved along through the Court through the direction of without following law or respecting our Constitutional Rights.

Honorable has failed to verify the Petitions and the information sworn to be true by . I know the petitions were never verified because they contain numerous false statements that I have documented proof to back the allegations are false. If the Court was acting under the guidelines provided by the to insure parents get a fair hearing, the case would never had proceeded in this manner.

From the time this case was transferred from , the caseworkers had already started this false and malicious prosecution of my family. Without getting into too much of the details regarding that information, I just want to say this pertains to in that, when the case was transferred, he had the duty to verify the allegations to some degree. I am not claiming he had to complete his own investigation; however, we should have been able to answer and provide documents that could and would prove our side. My documentation would have proven every allegation in the Petition was false. We had already been denied the initial because caseworkers intentionally mailed our notice for hearing to the wrong address (they sent our notice to an address in , when we lived in) so by the time we found out when the hearing was they vacated and were in process of transferring us. So we were deprived there then transferred to and all over again completely deprived of our Constitutional Due Process.

I have every report and can provide documentation to prove the information in those reports are false. My appointed counsel refused to submit anything, refused to object to anything, refused to precede with any defense what so ever. I have similarly filed a complaint against her, . I have solid documentation to prove my claim.

This complaint is on , so in addition to the complaint of denial of opportunity to be heard; failing to verify information submitted to the Court, made negative prejudicial comments toward me during a hearing held in I had been whispering and writing notes as usual to my attorney to speak up about what the caseworker was saying and she ignored me as usual, so I spoke up and said that the case worker was lying and I wanted to be able to speak and provide information that would prove she was lying. scolded me and told me I was acting like I was on drugs because I spoke out instead of using my attorney to speak for me.

I am filing a Complaint regarding this case and this issue needs to be on the record as well as the complaints regarding the appointed Counsel. It is not a secret that the system is destroying families and the motivation behind it is financial gain. This complaint encompasses every single ill motivation and tactic of that process. I am due to be facing a Termination of my Parental Rights on and my new appointed Counsel, has followed suit with her colleagues and similarly will answer a formal complaint against her as well. She has withdrawn from representing me and the Judge refused to appoint another attorney. So as it stands. I have to become a lawyer within this , and in that process I requested through (as advisory counsel) to provide me with the transcript from the hearing where made the derogatory comments, and the following excerpt is the response I received to that request:

Hello :

Approval was granted for expedited processing of the transcripts. However, I just received word from the court reporter that the hearing was not recorded. Apparently the recording software was down and there was no court reporter. I should have the transcript soon for the other hearing. I will forward it to you when I receive it.

The request for the expert in was denied. When I spoke with he called in response to the subpoena - it was not the number of classes that I thought would be detrimental to your case but the opinion that you did not benefit from the services offered. Thank you

I would like this investigated and on the record. Please review my complaint against and together as one complaint if possible. I would like the opportunity to provide the Judicial Committee with proof of my claims. I was not able to provide it thoroughly in any of the complaints because it is a large amount of information.

This is additional information on the complaint from _____ on _____. She has now informed me that she will not be advisory council through my termination trial either, and lets me know the hearing to withdraw is set for _____; however as far as I know, the trial to terminate my rights to my children is set for _____. This is very disturbing as told me she and _____ have a “great Rapport” and _____ has refused to appoint any effective Counsel and has made negative bias comments towards me. Additionally, the transcript for the hearing the comments were made in is coincidentally not available(see below explanation)

My case and entire record and every file from _____ to _____ needs to be removed from _____ and reviewed by _____

1. A parent has a fundamental, constitutional right to the care, custody and control of his or her child, absent a compelling state interest. *Santosky v. Kramer, 455 U.S. 745, 747 (1982)*. This Court has characterized the parent child bond as “one of the oldest fundamental liberty interests.” *In re KAW and KAW, 133 S.W.3d 1, 12 (Mo. 2004)*. Precisely because of the fundamental nature of the right to raise one’s biological children, courts have routinely admonished that great care be taken in proceedings seeking to terminate that right, and that adequate protections be afforded the parent whose parental rights are the subject of the proceeding: “The fundamental liberty interest of natural parents in raising their children does not evaporate simply because they have not been model parents or have lost temporary custody of their children to the State.” *Santosky v. Kramer, 455 U.S. at 753, 102 S.Ct. 1388; In the Interest of M.D.R., 124 S.W.3d 469, 472 (Mo. Banc 2004)*.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**