

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-332

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge made improper rulings 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: January 11, 2017

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 January 11, 2017.

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



2016-332

**CONFIDENTIAL**

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

**RE: CASE**

I would like to address a complaint and multiple concerns I have regarding \_\_\_\_\_ and what I feel is discrimination, biased and an unjustified ruling regarding our case. \_\_\_\_\_ was newly assigned to our case, \_\_\_\_\_ as of \_\_\_\_\_. Prior to \_\_\_\_\_ involvement with our case, our case was presided by \_\_\_\_\_.

Unfortunately, our case is very extensive and has many factors involved such as numerous occasions of noncompliance with the stipulations of the court order(s), multiple false allegations, obstructed parenting time, noncompliance with court ordered counseling, recurring issues of nonpaid child support and noncompliance with court ordered parenting time. As well as noncompliance with our court ordered Parenting Coordinator, \_\_\_\_\_, who as a result withdrew from our case due to the numerous occurrences of noncompliance and lack of participation by Father.

I strongly feel as though \_\_\_\_\_ did not take the time to diligently review our case and rule in favor for what was truly in the best interest of the children involved. There are multiple pieces of documentation that are on file/record with the court that thoroughly outline our case history and I am led to believe that Judge \_\_\_\_\_ overlooked these imperative documents when determining an outcome. With all things considered, \_\_\_\_\_ ruling is extremely questionable and absolutely senseless. **TAB 1:**

*Court Order enclosed.*

First I would like to provide a briefing on my past relationship with our oldest daughter, \_\_\_\_\_ as she is/has been the center of our legalities. Prior to the initiation of our case in \_\_\_\_\_, \_\_\_\_\_ had exclusively resided with me and was solely in my care. \_\_\_\_\_ was a good and very respectful child who was always in school and wonderful with others. In the \_\_\_\_\_ grade, \_\_\_\_\_ elementary school teacher, \_\_\_\_\_ suspected that she had a learning disability on account of some ongoing academic struggles. Shortly thereafter, \_\_\_\_\_ was qualified for an IEP (Individualized Education Program). During this process \_\_\_\_\_ was also diagnosed by our longtime Pediatrician, \_\_\_\_\_ with having \_\_\_\_\_. It was not until roughly JR high school that \_\_\_\_\_ began to take medication \_\_\_\_\_ to aid with her \_\_\_\_\_ and also was a huge help with her performance in class and retention of classwork. \_\_\_\_\_ never missed any routine dental, vision or pediatric well-checks and was consistently taking a daily low dose of \_\_\_\_\_. Also, issues with the medication were never raised by \_\_\_\_\_ and the medication was agreed on by myself and Father when initiated. I was very actively involved in \_\_\_\_\_ life and sadly, I was the only parent that was consistently active in hers and our son, \_\_\_\_\_ life during their younger years. Father and I permanently separated after a \_\_\_\_\_ year, but very off and on again, relationship in mid-\_\_\_\_\_ and thereafter is when the majority of our problems seemed to arise. I filed a Restraining Order on Father on \_\_\_\_\_ immediately after he was arrested by \_\_\_\_\_ and released for coming home intoxicated and destructive. Thereafter, Father moved out of the home and all three (3) children ( \_\_\_\_\_ ) remained exclusively in my care as they had always been. Once

the Restraining Order was lifted, Father maintained an every other weekend visit with all three (3) children. In Father married and I was in a relationship with my fiancé who initially admired and thereafter began to gradually dislike. My home consisted of rules, structure and expectations when it came to our children's education primarily and secondary was their chores such as cleaning their rooms. Roughly during the end of grade school year ( ) and the beginning of her early teenage years is when I began to experience a tremendous deal of conflicts with her behavior and demeanor towards me and the rules enforced in our home. Her defiance seemed to be strongly fueled by outside influence just as the assessments on record point out. Under advisement of my attorney at the time, I initially proposed to Father to allow to stay the summer of with him which shortly thereafter resulted in me being served (in my driveway while taking my children, , to school) with a petition that was filed by Father on and later unsubstantiated and dismissed by the Court. This petition also included a complaint filed and signed by in the presence of Father's mother, , which was also later unsubstantiated. Considering mine and Father's households/parenting was and still is drastically different, naturally was clearly drawn towards that in which liberation was provided and sadly resulted in a series of unfortunate events leading up to where we currently are now. **TAB 2:**

### History

In support of what I explained above, after the initiation of our legalities, ordered Father and I to participate in a Parenting Conference for further assessment. Once our extensive Parenting Conference was completed, provided his detailed report to dated . report provided a thorough assessment of our history/involvement with our children, personal lifestyles and parenting styles. Within the entire report, provides vital information that would've been imperative for to take into consideration when determining whether or not equal time, **during the children's school year**, truly was in our children's best interest. Father and I maintain completely different values and expectations when it comes to our children's education and report clearly points this out as well as multiple issues surrounding our daughter, which also would've been crucial for consideration. report in conjunction with other assessments completed by either the court ordered Counselor/Therapist and/or the Parenting Coordinator, completely contradict impression of my recent relationship and past occurrences with and to say the least, I am highly offended by his wording and incorrect assumption(s) in his order.

Page under states '

also states in section ' under the same title '

Just as monitored education from a far then, I continue to do so now. Please make a note that is currently and is still not thriving. She is not likely to graduate high school as a result of her many deficiencies with attendance/tardies and multiple transitions between schools with large gaps of time missed in between those transitions. As the records have shown, this has been a continuance problem during the entire duration of time while in Father's care.

On page [redacted] of [redacted] report he also states “..

Additionally,

Furthermore, among other imperative statements within [redacted] report, page [redacted] under title [redacted] he further suggests the following to be “

3.

4.

5.

Furthermore, [redacted] also states on page [redacted] the following “

[redacted] Please note this is the root of my endless relationship conflicts with [redacted] that ultimately hindered our mother/daughter relationship beyond repair. **TAB 3:**

During [redacted] ran away from Father’s home. During this time [redacted] had been accompanied by her [redacted] year old boyfriend and both were missing for a total of [redacted] days. Father did not notify me until [redacted] hours after [redacted] was missing. Naturally, like all other deficiencies pertaining to [redacted] while in Father’s care, I was also to blame for her running away when ultimately my communication/interaction with [redacted] was very

minimal at that time. Thankfully, [redacted] and her boyfriend were found however returned back to Father. Also, at the time of this horrific experience, Father excluded me from any information. updates, searches, etc... so my family and I had to conduct our search party and communication with the [redacted] separately. Additionally, I was also roughly [redacted] months pregnant with my youngest son, [redacted] during this time making this experience even more tremendously horrendous to cope with. On [redacted] our court appointed Counselor, [redacted] submitted a Treatment Summary to the Court which she points out that [redacted] was now attending her [redacted] school in [redacted] also addresses [redacted] recent run away. During this time, [redacted] had been in Father's care for one (1) academic calendar year and roughly [redacted] months into the next school year. [redacted] continues to further point out that "

Treatment Summary also addresses: [redacted] school attendance and grades as this has been an ongoing issue to date. **TAB 4:**

During our [redacted] trial [redacted] assigned Parenting Coordinator, [redacted] to serve as a mediator in effort to aid Father and I with our numerous issues. Due to multiple events of noncompliance, on [redacted] submitted her " [redacted] ' to the Court. This report addressed multiple concerns such as inappropriate sleeping arrangements for the children (resulting in the suspension of Father's overnights), our youngest daughter, [redacted] being repeatedly commuted without a car seat, Father's [redacted] visits not exercised, Father's lack of communication (not responding to emails) or communicating issues pertaining to [redacted] well-being, concerns regarding [redacted] education (i.e. attendance/tardies), obstruction of Mother/daughter parenting time and counseling in addition to Father's noncompliance with Parenting Coordinator's fees and services. Thereafter the Court adopted recommendations on [redacted]. On [redacted] submitted a motion for "

[redacted] in addition to nonpayment and nonparticipation of the Parenting Coordinator's services starting with the intake paperwork for [redacted] services that were ordered and initiated during our [redacted] trial. On [redacted] responded to [redacted]. The response states "

" On [redacted] I communicated directly with [redacted] to clarify whether or not Father's portion of our retainer had been paid and she confirmed that it had not yet been satisfied to date. Consequently, this also raised concerns as to why the Court allowed Father to proceed with further relief as doing so completely contradicted the stipulations in the [redacted] order as stated above. Additionally, on page [redacted] section of [redacted] ruling he identifies

He goes on to state "

[redacted] " ordered both Father and [redacted] " as stated in her [redacted] ruling. I am unclear as to how someone can continue to proceed with assistance from the Court given these multiple noncompliant circumstances as it completely contradicts the stipulations of the court orders and the Judge's rulings. Even more so, how is this permissible by the Court period. **TAB 5:**

**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.**