

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-352

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased, issued improper rulings, and was rude.

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: February 15, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on February 15, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2016-352

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Instru

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.

Please See Attached

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2016-352

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.

On the hearing in case number was due to be held at

Since this hearing was an emergency temporary custody order, the recipient listed as petitioner was to have the opportunity to defend his case and said allegation against him within a short half-hour as originally docketed. Further, since petitioner had originally physical custody of the children, the respondent whom was granted the temporary order was to be present with the children until a final decision was decided in this case. Ironically, did not enter the courtroom until Prior to this time. I had asked the court assistant if a telephonic hearing had been requested by and been granted and was informed, NO there is no court telephonic request or evidence of said granting. Since there was no telephonic request and had been granted to leave state with the two minor children, it would be reasonable that she should bring the children and return to Arizona if indeed this was a unbiased hearing to determine the actual basis regarding petitioner being able to defend accusations against him. However, after the judge enters the courtroom a half-hour late, he calls on the phone and states something to the cause of he shouldn't have had to call her. To be quite honest, I have never heard of a party in a court case being called by the judge when that individual refuses to appear or have permission granted for telephonic presence.

Testimony was to be presented in defense of accusations of which refused repeatedly throughout the entire hearing. I find it difficult to call it a hearing as it appeared more like an inquisition instead. First, my understanding of the role of judge is to be impartial, unbiased, and uphold the greatest propriety as an esteemed representative of the court of which this judge presented zero of these qualities. What it appeared to an observer was repeatedly was representing as her representing attorney while additionally holding the position of judge in the court this day. repeatedly objected to questioning to overruled in favor consistently, and refused to allow to call his second witness or to present letters from the children's school, the children's therapist, and character witnesses to attest to the kind of person had been in these professional's presence. When argued that every other judge allowed letters in support and referenced the Arizona code which allows said evidence, stated "the rules are made to be flexible when it comes to a judge and it is my court and I can change the rules to fit situations, I see fit." Second, refused to allow this witness to be heard after presented to call the next witness as crinkled his nose, looked at me, and said "an, no, I don't think so, we do not have enough time for this." At this point, I could not believe what was being witnessed in this court by this judge as it was so out of context of what is justice and I whispered to my husband sitting next to me quietly "what is going on here?" and, called out to me "remove yourself from my courtroom." I apologized for offending this man although did not recognize any disrespectful or disturbing behaviors on my behalf. Then, after removing myself from the courtroom, tells my husband to tell me to get away from the outside of the door stating "I have my ear to the door." Either way, this felt very degrading. During the course of this hearing, the Judge stated everyone was picking on poor The evidence against was one unclean drug test as the other allegations as listed on the order and were not mentioned in court presented by were stating was driving around high in his car and was telling lies to the children about of which the letters and my testimony were in

dispute of these findings. [redacted] pointed out that the state of Arizona's code differentiates between use and abuse of substances of which [redacted] refused to acknowledge this law and proceeded to call [redacted] an addict. [redacted] further refused to hear any consideration regarding [redacted] past of which the youngest child, [redacted] was almost killed while in her care and [redacted] refused to look at the mental health or request any psychological testing of [redacted] to prove or disprove whether behaviors or mental health state was a problem and instead insisted that all of [redacted] problem behaviors were while she was using substances. I would state this is acting outside the scope of the judge as he has some familiarity with substance abuse and zero regarding mental health or personality disorders and is certainly not well educated or practicing in either of them. Since I am a therapist and entering my [redacted], I would potentially be able to attest to witnessed behaviors in both [redacted] and the child's continued witnessed traumatization in the presence of [redacted] of which [redacted] refused to allow. He further ignored facts [redacted] presented against [redacted] or evidenced lies she stated as [redacted] stated this information was irrelevant. [redacted] further had another test of which he has self-initiated prior to the hearing and attested to be clean of which [redacted] did not consider. The remaining of the hearing was [redacted] allowing [redacted] to tell and state whatever she wanted out of the case without any rebuttal or consideration of the opposing party. I have been present over many years to witness numerous court cases due to previous employment as a [redacted] with [redacted] and have never once witnessed such discrimination, bias, and lack of judicial etiquette. It appeared that [redacted] had preference to [redacted] and potentially a dual relationship that should not be allowed in the courtroom. From my understanding, [redacted] should have asked to be removed from this case as it was evident the case was not about the merits of the children being safe and well in [redacted] care as the entire hearing was against [redacted] and in support of [redacted] and her recovery. Further, my understanding of these type of hearings, cross examination is not part of the process in support of the one that was granted the emergency order as this individual already had his or her time to explain his or her case without the other party having the opportunity to defend themselves. What I witnessed was the judge being partial due to whatever he was told in secret by [redacted] without [redacted] present and then again defended [redacted] throughout the hearing allowing her to consume the court's time with her cross-examination rights when [redacted] was not allowed to have all witnesses presented nor his letters of reference even examined or considered in this hearing.