

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-080

Judge:

Complainant:

ORDER

The complainant alleged a pro tem superior court judge entered an improper judgment against him 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 19, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on April 19, 2017.

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

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

FOR OFFICE USE ONLY

2017-080

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 _____ we had gone to court to establish child support. It was at the time that the maternal grandmother asked in open court that she be reimbursed for the birthing expenses of the two minor children. A settlement hearing was then scheduled for _____. She stated that her wages had been garnished for an amount of _____. It was noted that both the mother and maternal grandmother had access to _____ due to the minor children being of _____ decent. The maternal grandmother then denied that she was told about _____ until after the second child was born. Both father and paternal grandmother stated that was not true. The court then directed that the maternal grandmother provide copies of the bills/recipes to father and to the courts and that after reviewing the bills and records a hearing would be set. No hearing was set for the reimbursement of the birthing expenses. It was not until _____ it a child support review hearing that the birthing expenses were brought up again. maternal grandmother requested that father pay \$ _____ per child. It was at this time that the court addressed the objections to the birthing expenses, which are as follows: At no time since the birth of the children had father received any receipts or copies of bills for the cost of medical expenses for both children, including the cost associated with pregnancy and birth. At the time of both pregnancies, both mother and maternal grandmother were informed that she could obtain health care for the children though _____ which would have covered the cost of medical care during pregnancy and at birth. For medical bills, a third party recipient would not be in accordance with the law and the amounts should be paid toward the provider. The total amount of \$ _____ requested was more than half of the medical bills, which totaled between \$ _____. The court quickly denied father's objections and ordered that the maternal grandmother be placed on the order. The order was lodged on _____. Father then filed objections to the order on _____, which were again denied. Judgement was then filed against father on _____ that he pay maternal grandmother for the birthing expenses of the two minor children. Father then filed a motion for relief on _____. The amount of the child support order 2) Cash Medical Support 1) _____ 3) Birthing Expenses. It was stated that " Father was ordered to pay \$ _____ as and for the past due medical amount. Per testimony of the maternal grandmother, there was a grand total of \$ _____ owing on the medical bills. However, at no time was father provided copies of any of the invoices/ bills associated with the medical expenses. Regardless, father was order to pay more than half of the amount of medical expenses associated with the births of the minor children." The state then filed a response to the motion for relief on _____ where is clearly states that " Respondent assert the court erred when it ordered him to pay an amount toward the birthing expenses. The state does not take position on this issue. Wherefore, the State moves the court to dismiss respondent's motion for relief as to the issues of the amount of child support and cash medical support (health insurance)." We then continued attending court in the matters regarding child support only. It was not until _____ that a letter was received from maternal grandmother's lawyer stating that the amount needs to be paid in full by a date of _____ later or legal action was to be taken. When trying to communicate with the maternal grandmother's lawyer, it was stated that father has requested multiple times to be provided of copies of invoices/bills or the medical expenses related to the birth of the children. Maternal grandmother's lawyer then filed for garnishment against father for the birthing expenses of the two children on _____. An amended summon and writ of garnishment was then filed on _____. Father then filed a request for hearing on _____. The hearing was set for _____. Maternal grandmother's lawyer brought up the judgement filed on _____ and that father was

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order to pay the amount in birthing expenses. It was then stated that the father had filed a motion of relief from said judgement and brought up the state's response to said motion. Father also claimed that he has requested multiple times since the beginning of the case that he receive copies of receipts/bills/invoices/records of said birthing expenses. It was then that the maternal grandmother was ordered once again that she provide those documents to the father. Maternal grandmother stated that she believes it would be a hardship on her to provide copies due to her recent move and documents being packaed away in storage. It was then on _____ that a notice of compliance was filed upon the receipt of medical bills for the minor children. Although, upon receipt of said medical bills tit was discovered that none of the expenses were related to the birth of the two minor children. A motion for relief was then filed on _____ stating that the bills received had no relation to the birthing expenses in which the father is ordered to pay. It is said that the ordered filed on _____ was specific in stating that father pay for the expenses related to the birth of the two children. Both mother and maternal grandmother have had well over _____ to provide documetation directly relating to the birthing expenses of the children and to this date have yet to do so. Father wages have been garnished in accordance with the orders of the court that were obtained on per testimony of a non-party without substantive proof of expenses. A response was filed on _____ It was stated that the maternal grandmother provided those bills that she could find and was seeking to obtain copies of the bills related to the pregnancy and birth of the children and that she will provide those to father upon receipt. It was also stated that motion should be denied because it was not filed in a timely manner. A reply to the response was filed on _____ stating maternal grandmother cannot provide proof of the expenses of the birth of the children, which was what the father was ordered to pay, as she was ordered to do so. It was stated that ehile there is a _____ timeline, based upon the discovery of fraud and lack of evidence to support the judgement, the filing was timely. It is believed that maternal grandmother is fradulently receiving funds under garnishment. The court then responsed with an order denying filed on _____ This stated that all of fathers objections were denied and that he was ordered to pay the said amount to maternal grandmother, even though he has requested copies of the invoices/bills multiple times. It states that the maternal grandmother was ordered to provide copies of the medical expenses both on _____ She has failed to comply with those orders. The court then states that the records of the medical bills for the births of the children were merely for his records and that they made the original decision regarding the birthing expenses based on a sworn testimony of the Maternal grandmother. It is also stated that the court at no time has found that there was any misrepresentation or fraud on part of the maternal grandmother and that they will not conduct an evidentiary hearing. It then states that " Respdnent's attempt to challenge the accuracy of the birthing expenses at this date, regardless of when he received the bills, is unacceptable." We believe that father was treated unfairly throughout this case, Father was ordered to pay the said amount to the maternal grandmother for the birthing expenses without any proof that she had paid these expenses herself. Father has requested from the start for copies of the bills to verify that what the maternal grandmother stated was true. The children were born in _____ The bills received were dated years after the children were born. Father still has yet to recieve copies of the birthing expenses from maternal grandmother, even after she seeked to obtain records from medical providers.