

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-098

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was prejudiced against him, refused to allow his witnesses to testify, and 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: June 21, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on June 21, 2017.

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

2017-098

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.

I believe _____ was prejudiced against me either as a man, or as _____ without any other cause. I'm not a great speaker but I showed 100% respect in front of this judge at all times; my and my daughters future was in his hands. Please read the following truths, showing extreme unfairness.

I believe he ignored all of the documentation I presented, statements and exhibits. My witnesses never got to testify, but his decision was made before the trial started. He challenged every word I said and every good thing I have accomplished as a good father, an example of this is when he stated:

There was no evidence to the contrary, but the mother's word against mine - and I had several witnesses who were willing to testify, under oath, that I raised my daughter a majority of _____ chose to believe the mother and was vividly angry over the fact that I had witnesses in the court room during our initial hearing. This can be heard on the recording within the first half hour roughly of the _____ hearing. During that first hearing, _____ rediculed me and yelled at my mother, who was a witness because she whispered the word "no" when he wanted to postpone the hearing for _____ completely intimidated and embarrassed her asking if 'she thought this was a circus?'. However, about _____ later he allowed _____ (plaintiff) mother to speak aloud freely from the back of the court room.

Specific items that qualify as judicial misconduct are summarized here:

As documented in _____ (_____) The _____ violations are for non-violent emails sent by Father which the judge could have stated. I stated that I have no animosity towards the mother, and I'm capable of cooperating on joint parenting decisions and tried to reach an amicable relationship for our child's sake but the judge left these statements out.

_____ is un-rue and was not proven nor were there any witnesses on her behalf to corroborate her claim. I had witnesses to corroborate my claim that I cared for our child _____ of the time. Judge stated his bias and personal opinion by saying: "

" This paints a dishonest picture of me without any testimony to support his opinion. Judge went a step further to paint a bad picture of me by stating:

It is unfair and unreasonable for the judge to take the mother's claims on her word alone, but not the father's; the mother never refuted that I had been doing all of the things he stated, it was _____ who refuted my sworn statements.

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under " _____ was violated grossly by the mother but _____ made no note of these un-refuted facts. The following items were established as truth during these hearings:

1. In _____ the mother removed my child from the school where she attended _____ and did not enroll her in any school for _____ simply because she became angry with me.

2. The mother did not allow me to see my daughter _____ then at the hearing _____ spoke to her for an hour trying to persuade her to allow me to see my child, and finally granted us both the _____ parenting time when the mother said she still did not want to allow me that much time.

3. The mother was cautioned by the judge back _____ not to move far away or it would not see my child (no other reason). The judge not only allowed this but used it as another reason not to give me joint parenting time, stating " _____ however, she moved approximately _____ to make it difficult for me to

_____ further injustice was done to me when the judge ordered me to drive to _____ to pick up the child on my pickup days which means _____ I drive to _____ to pick her up, then again _____ I have to drive her to school in _____ and back home, then back to _____ after school and back home (_____). The mother only drives one roundtrip every other _____ to pick up our child. If the judge wanted to be fair he would have had the mother meet me half way on school days.

The judge further added more demeaning statements of his own by saying: " _____ This was unnecessary and purely a personal statement with the intent of painting a bad picture of me to support his decision about custody and/or just to express his extreme feelings of animosity towards me.

_____ The mother admitted to slamming doors in my face and hitting me in the face. _____ cited mother's testimony about me being " _____ " but he failed to state the mother's admission of physically hitting me in the face in front of our child. This is on the audio/CD session of this hearing

under: " _____ The judge failed to recognize my completion of the _____ when in fact it is the mother who has not completed the program.

The mother did file a false claim _____ against me, but it was found to be untrue.

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Then, it gets worse the Judge unjustly ordered me to pay child support for the past entire year, commencing when I had my child of that entire year, which he himself granted the arrangements. Further, I had to drive nearly miles round trip, once on twice on and twice on totaling miles each week I had her for the parenting time. Mother did none of the driving to/from my area even though I was not the one to move away.

The final blow came when ordered me to pay for the mother's attorney's fee's when we were on equal ground in this respect. I have just as much of a right to fight for our child as she does. He stated I did not act reasonably in the litigation but it was the mother who filed the petition for joint custody first (per our agreement) and then went back and changed it to full custody. I did file all discovery requests and gave copies to the mother and later her new lawyer, but the Judge focused on one missing document, his court room assistants later found.

has been extremely lenient and favorable with the mother in all respects of this case, strictly on her word, despite evidence showing her defiant behavior. Moreover, all pick up times are in her favor, not once does she have to drive in the terrible rush-hour traffic nearly each way like I do on all of my parenting days. Her pick up is always on a Moving out of town was her doing, with no reason given to the court. When I filed for a temporary custody order last year, showing a hardship in getting my parenting rights when the mother moved, the Judge denied it immediately. Now, he not only overlooked her moving, but rewarded her by making me do all of the driving in the worst conditions at the worst times of day. I could not have been treated more unfair by a of the court, or felt more like a criminal just for pleading to stay in my child's life and continue to be her full-time father.

I should also mention, postponed the hearing we had set for out to but gave us no reason why such an extended postponement was necessary.

Thank you for listening and I hope something is done for the sake of all fathers who are decent, trying not to be pushed out of their children's lives.