

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-278

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner bullied her and improperly dismissed a guardianship petition.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Colleen E. Concannon did not participate in the consideration of this matter.

Dated: December 13, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on December 13, 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

2017-278

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 file this complaint against _____, along with the complaint against _____, with the _____ : In hopes that this never happens to another family facing crisis.

I strongly believe there is Judicial Court Misconduct, Bullying, and Retaliation by _____ in the Guardianship case involving my _____.

Without the benefit of an Attorney, not knowing what I was doing; I did the best that I could given my "entirety."

Please review the attached Court Pleadings filed by myself the Petitioner, the Minute Entries written by the _____, my Response to these Minute Entries, the Police Report of the Involuntary Hospitalization after _____ the SMI (Severely Mentally Ill) evaluation done at the hospital and the approval for SMI services. *Approval came after dismissal.*

I have copies of both court hearings regarding this matter, and the body camera from the Police Involuntary Hospitalization; after _____ . Please let me know if you need a copy of these items.

After _____, then _____ later _____ and still no response from the Court, minimal response from the GAL: I filed 2 specific Motions; Emergency Temporary Guardianship of any kind. Additionally, I went on court record addressing growing concerns regarding not only _____ provider doing the Psych Eval, but also regarding Court Counsel, specifically the _____.

* After a month, after I go on Court Record addressing valid growing concerns: the _____ finally responds. She tears apart all of my compliance; in which I provide refuting these claims and providing clarity. *exhibits*

* Additionally the _____ specifically references in her Minute Entry filed on _____ conduct is worrisome and has escalated to the extent that the Court finds it appropriate to appoint a Guardian Ad Litem to determine if _____ would benefit from the appointment of a Guardian." She also includes a reference: "The continued sheer number of the documents filed, her presentation at court during the initial hearing in this case, coupled with her latest actions and accusations just this week cannot be overlooked." The "note" rambles as often seen in her many filings and accuses the judicial staff of acting improperly."

***Noting>> this specific week that the _____ refers too: is the week of my _____ Ideation and Involuntary Hospitalization.

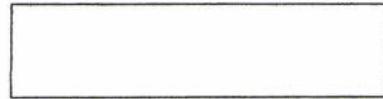
***Noting>> Many professionals have reviewed the CD of the initial hearing and affirm that my presentation was very reasonable and appropriate. I had understandable lack of sleep with the recent crisis at hand, understandable anxiety which triggers my ADHD. And given the circumstances of all, my presentation was very appropriate. My dad was also a witness to this initial hearing.

↕
★ Noting: _____ who had 2 _____ in the past 2 yrs. 1 overdose, _____ ideations was denied a Guardian. A huge Insult/ Joke for the _____ who denied this, to appoint a GAL for myself to determine if I may benefit from a Guardian. I've had pristine health all my life, PTSD after mom's wrongful death. Leftover anxiety disorder. Never hospitalized, Never recommended to be hospitalized. Never hospitalized *

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Ultimately after the hospitalization>>The [redacted] ideation, and the police involvement which led to my grants a last minute hearing to determine if a Temporary Guardian is needed. We had a few days notice. I learned of this hearing while at the court house filing my additional concerns. I called [redacted] in front of the clerk manager to inquire regarding some of the claims against my court compliance. [redacted] then informed me of the hearing set for [redacted].

At this Hearing: The [redacted] dismisses [redacted] advises the need to appoint a GAL to I, myself, the Petitioner, and case entirely. For Temporary and Permanent Guardianship.

***Let the record reflect at the initial Hearing for Temporary Guardianship: the [redacted] orders myself to file for Permanent Guardianship. She states "that with what she has reviewed, she does not see this being resolved within 6 months.

***The [redacted] dismisses the case entirely, including the hearing set out a month later to determine permanent guardianship: without an Evidentiary Hearing to review all of the supportive documentation provided to court counsel (including medical records, police records, letters written on behalf of [redacted] needing treatment, Guardianship, COT), all audio recordings pertinent to [redacted] case, without allowing witnesses to testify on behalf of [redacted] need for Guardianship and or COT, and my behalf regarding my state of mind and being during this crisis.

My complaint against [redacted] : lack of due diligence which contributed to the dismissal of [redacted] case. On audio recording: [redacted] immediately dismissed [redacted] need for a Guardian, prior to reviewing her case. [redacted] said it sounded like typical teenage stuff and it sounds like she can use counseling. When I asked [redacted] if he would be pulling her medical records from the 4 prior (all within the last 2 years leading up to the diagnosis of [redacted]), [redacted] responded with "that won't be necessary." It ~~doesn't~~ appear that submitted the Guardian Ad Litem Training Certificate.

[redacted] met and spoke with [redacted] for the 1st time at this last minute hearing; after being appointed for over a month, after [redacted] directly states at this hearing that due to the voluminous amount of pleadings and emails of supportive documentation sent by Me the Petitioner--he began to skim and at one point ignore all together.

It is evident that [redacted] did not thoroughly review [redacted] case. [redacted] did not interview her grandfather being nominated for Guardian or other family members & close family friends. [redacted] did not request her medical records from the 4 previous hospitalizations leading to her diagnosis of [redacted] did not follow through with [redacted] completing the standard Psyc Eval Form. **Noting this particular form is standard with many different evaluation questions, including 1 specific question of if the provider recommends a guardian or not. **Noting at the initial hearing, the [redacted] states "if [redacted] doesn't know what they are doing with the form, she will find a provider that does know what they are doing, to provide the Psyc Evaluation.

I expressed my concerns regarding [redacted] refusing to complete the court ordered Psyc Eval form. what [redacted] referred to as "Guardian Form." I requested a 2nd Psyc Eval due to these concerns + the medicine prescribed that nearly killed [redacted] while smoking pot. This info was in her file. The NP, caseworker at [redacted] were all advised on this.