

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-282

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge failed to follow the law, improperly practiced psychology, and made inappropriate comments 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).

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.*

**17-282**

**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.

\_\_\_\_\_ : \_\_\_\_\_ summarily denying Father/Petitioners Motion for Post-Decree Temporary Order without Notice for Modification of Legal Decision-Making/Custody and Parenting Time and dismissed the Petition to Modify Child Legal Decision-Making, Parenting Time, and Child Support.

Petitioner entered Rule 72 and did not agree to the appointment of a \_\_\_\_\_ unilaterally appointed a \_\_\_\_\_ - \_\_\_\_\_ at the Respondent/Mother's request.

Petitioner cited ARS 1-601 which states:

"Parents' rights protected

A. The liberty of parents to direct the upbringing, education, health care and mental health of their children is a fundamental right.

B. This state, any political subdivision of this state or any other governmental entity shall not infringe on these rights without demonstrating that the compelling governmental interest as applied to the child involved is of the highest order, is narrowly tailored and is not otherwise served by a less restrictive means."

Petitioner also cited ARS 1-602 which states:

"Parents' bill of rights; definition

A. All parental rights are reserved to a parent of a minor child without obstruction or interference from this state, any political subdivision of this state, any other governmental entity or any other institution, including:

1. The right to direct the education of the minor child.
  2. All rights of parents identified in title 15, including the right to access and review all records relating to the minor child.
  3. The right to direct the upbringing of the minor child.
  4. The right to direct the moral or religious training of the minor child.
  5. The right to make health care decisions for the minor child, including rights pursuant to sections 15-873, 36-2271 and 36-2272, unless otherwise prohibited by law.
  6. The right to access and review all medical records of the minor child unless otherwise prohibited by law or the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement official requests that the information not be released.
- etc.

\_\_\_\_\_ insisted that in order for those statutes to apply that there must be "Good cause shown" to change any decision.

These statutes neither directly nor indirectly imply that a change in circumstances must be proven in order for a Parent's Rights to be protected. \_\_\_\_\_ simply chooses which laws she will follow and applies her own litmus test to those that she deems do not apply to a specific parent in

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Phoenix, Arizona 85007

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Return Hearing regarding the Petition to Enforce Parenting Time, filed by Petitioner/Father on doesn't dismiss the Petition - but simply ignores it and granted Respondent/Mother's Motion for Temporary Order without Notice suspending Father's parenting time with no good cause shown and admission by Respondent that there are no parental fitness issues in this case.

orders a \_\_\_\_\_ be appointed to assist in reunification and Father shall pay 80% in essence, colluding with and endorsing Mother's custodial interference and refusal to comply with the court's previous orders issued .

The primary issue that Petitioner brings to the Administration's attention is the Judicial Officer's refusal to observe and enforce Rule 72, ARS 1-601 and ARS 1-602. These laws and Rule are crystal clear in their intent and were enacted by and for the people of Arizona and it is the court's primary duty to uphold these laws. The Judicial Officer's unilateral decision to ignore these statutes in effect colludes with the Respondent/Mother in her attempts to systematically remove me from my children's lives.

The secondary issue Petitioner brings to the Administration's attention is that of practicing medicine from the bench on two seperate occassions - \_\_\_\_\_ . These two appointments are in direct violation of the APA's ethics code surrounding the practice of psychology to issue treatment/therapy to anyone without a proper assessment and diagnosis. Further, a sitting Judge does not have the proper credentials to assess or diagnose a pathology from the bench nor the ability to determine a course of treatment. It is 100% outside the scope of the Judicial Officer's duties in any court to make a medical diagnosis and issue treatment from the bench.

Supplimental Details:

\_\_\_\_\_ : The record clearly reflects \_\_\_\_\_ pre-disposed opinions of the Petitioner with her comments of \_\_\_\_\_ " and when pleading for a more affordable TI that Petitioner could afford to work with \_\_\_\_\_ responded with " that " \_\_\_\_\_ " Additionally, \_\_\_\_\_ stated in open court \_\_\_\_\_ " in essence colluding with the Respondent/Mother in depriving Dad of his protected rights to parent his children notwithstanding there \_\_\_\_\_ All of which were resolved when have been no parental fitness issues in this case since \_\_\_\_\_ visitation was granted to Petitioner by the \_\_\_\_\_

Petitioner requested that \_\_\_\_\_ assign a Clinical or Forensic Psychologist to perform a Focused Assessment with the children/family in order to properly diagnose and then form a treatment plan that would be appropriate based on the clinical findings. \_\_\_\_\_ responded " \_\_\_\_\_ !" which is not what this Petitioner had requested.