

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-313

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner gave the other party special treatment.

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).

Dated: January 29, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie  
Executive Director

Copies of this order were distributed to all appropriate persons on January 29, 2018.

*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**

**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.

Hello,  
My name is \_\_\_\_\_ and I am a \_\_\_\_\_ . I currently work with a \_\_\_\_\_ , who is the \_\_\_\_\_ r to the placement in her home. The placement in her home is a \_\_\_\_\_ name who was removed due to substance use of her parents. Upon witnessing Judge \_\_\_\_\_ actions in court I feel it is necessary to file this complaint. Judge \_\_\_\_\_ has agreed to reunify with her \_\_\_\_\_ I even though everyone involved on this case is aware of \_\_\_\_\_ positive drug tests. \_\_\_\_\_ has either tested positive or has had diluted test results which should constitute as an automatic positive but has stated that \_\_\_\_\_ has a muscle disease that causes the tests to seem diluted. Judge \_\_\_\_\_ has never asked for specifics on what this muscle disease is or asked for documentation from a Doctor stating that this is true. There are reports that \_\_\_\_\_ has told others that he has a friend in the testing unit who also falsifies these results for \_\_\_\_\_ has gone to visits at \_\_\_\_\_ home and has found needles This is extremely unsafe for her to be around. There was also a video found on his phone that showed him recently using heroin. When this was brought to \_\_\_\_\_ attention they felt there was nothing they could do to persuade the Judge and she has seemed to really take a liking to \_\_\_\_\_ When this video was brought up in court she wouldn't even look at the video. \_\_\_\_\_ and \_\_\_\_\_ ) were under court order to not have any contact. \_\_\_\_\_ recently came forward and reported that \_\_\_\_\_ stayed over at \_\_\_\_\_ , just \_\_\_\_\_ , and \_\_\_\_\_ witnessed using heroin. \_\_\_\_\_ as \_\_\_\_\_ has been trying to become clean \_\_\_\_\_ and stated that \_\_\_\_\_ needed to use in order to get through work that day. All of this has been reported to the \_\_\_\_\_ and to the \_\_\_\_\_ and although they both state that they are in agreeance with \_\_\_\_\_ staying with her \_\_\_\_\_ have stated that there is nothing they can o as the Judge would not listen to them even way they asked for the case plan to be changed to Severance. The Judge has ordered for \_\_\_\_\_ to be moved back to her father by \_\_\_\_\_ and it is simply not safe for her to do if \_\_\_\_\_ is continuing to use heorin. We are worried about what were to happen to \_\_\_\_\_ if \_\_\_\_\_ were to OD in front of her, or if \_\_\_\_\_ were to allow strangers into his home and leave \_\_\_\_\_ unsupervised with \_\_\_\_\_ while under the influence. She cannot be there unprotected.

While \_\_\_\_\_ has been with her \_\_\_\_\_ she had been \_\_\_\_\_ asked \_\_\_\_\_ if she would like to go back to \_\_\_\_\_ or to stay with her \_\_\_\_\_ replied that she wanted to stay with \_\_\_\_\_ encouraged \_\_\_\_\_ to be open and honest and tell anyone who asked what is was that she wanted to happen with this case. Soon after Judge \_\_\_\_\_ asked for \_\_\_\_\_ to come to court to speak with \_\_\_\_\_ told Judge \_\_\_\_\_ that she wanted to stay with her \_\_\_\_\_ was excited because she thought that she meant she would be able to stay with her \_\_\_\_\_ . At the next court hearing Judge \_\_\_\_\_ attacked \_\_\_\_\_ ) and accused her of \_\_\_\_\_ , to say that she wanted to stay with \_\_\_\_\_ has always fought for what was in the best interest of \_\_\_\_\_ but \_\_\_\_\_ did not coach her. \_\_\_\_\_ is a very \_\_\_\_\_ who knows what she wants. When \_\_\_\_\_ asked to speak in court, Judge \_\_\_\_\_ would not allow \_\_\_\_\_

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On the Court Hearing that took place on \_\_\_\_\_ Judge \_\_\_\_\_ brought it to the Judge's attention that \_\_\_\_\_ had not drug tested for the month of \_\_\_\_\_ Judge \_\_\_\_\_ responded by waving her hand dismissing the \_\_\_\_\_ and said " \_\_\_\_\_ " Before the ending of the last court hearing that she looked to \_\_\_\_\_ and told \_\_\_\_\_ that he was doing a great job and also stated that " \_\_\_\_\_ " That was all that was said. It is great \_\_\_\_\_ has secured housing and has been consistently attending visits but \_\_\_\_\_ is still using heroin and \_\_\_\_\_ should not be returned to the same environment that she was removed from. As to why Judge \_\_\_\_\_ is overlooking this drug use is beyond me but it is unfair to \_\_\_\_\_ to be put back in a situation that does not guarantee her safety when she has been in a safe and stable home with her \_\_\_\_\_ for the last \_\_\_\_\_ If we do not pay attention to this issue it is very probable that \_\_\_\_\_ will end up back in care and traumatized once more.

Overall I understand the importance of reunification, but I cannot stand by while this Judge does not hold \_\_\_\_\_ to the standard that all biological parents are usual held to. \_\_\_\_\_ has dismissed everyone's pleas to sever parental rights and has overlooked positive and missed drug tests. If you pull the records or transcripts for these court hearings you will be able to see that something is not right. Judge \_\_\_\_\_ is giving \_\_\_\_\_ special treatment when \_\_\_\_\_ is still abusing substances. Please help us fight for \_\_\_\_\_ as she cannot fight for herself. To allow Judge \_\_\_\_\_ to get away with this would be a gross misuse of power and be extremely damaging to \_\_\_\_\_ life.

Please let me know if there is anything else I can do to provide examples or evidence.

