

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-023

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner violated Rules 1.2, 2.2, and 2.6(A) of the Code in a family law proceeding.

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: March 28, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on March 28, 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

2018-023

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 write this to bring the attention to wrong doings in the _____ under _____ I have attached several documents that high-lite concerns during the case being presented. During this hearing, _____ issued orders requiring documentation mandated for the hearing or sanctions would be imposed, Petitioner did not follow these guidelines and was allowed to continue. I believe the Court is in violation of Arizona Code of Judicial Conduct Rules 1.2, 2.2, and 2.6(A).

The following issues are of concern:

- Court required Affidavit of Financial information and Parent Worksheets from both parties.
 - Mother submitted hers
 - Father to date has not
- Court states neither party took an unreasonable stance
 - Father petitioned sole legal and decision custody
 - Mother requested shared custody and joint legal decision
- Court was issued a notice of the States Appearance for Child Support (ARS 25-509)
 - The Court violated Arizona Code of Judicial Conduct Rule 2.6(A) as he did not allow the State to be heard.

RULE 2.6. Ensuring the Right to Be Heard

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

- The Court ruled on support
 - The Court did not have Fathers financial information as required by Arizona Child Support Guidelines or proof of expenses and income.
 - The Court allowed Petitioners guided testimony by his attorney as to making annual in _____ but allegedly having _____ in expenses and taxes bringing income to post tax.
 - The Court did not afford Respondent the same right and used Respondents pre-tax annual income without deduction for current year. Violating Judicial Conduct Code Rule 2.2
 - The Court sites making calculation using Arizona Child Support Guidelines in ruling.
- Court was informed that the support was a _____ matter and did not refer to Commissioner.
- The Court ruled on Child Support without having Father's proof of income as required by Courts orders, failed to allow the State to be heard, and disregarded Respondents request to refer Support to a Child Support Commissioner. This challenges Arizona Code of Judicial Conduct Rule 2.2
- The Court miscalculated Parenting Days for Petitioner when Respondent filed motion to correct clerical error, the Court denied stating "No good cause showing".
- The Parenting time did not change, therefore the Parenting days calculated previously by the AZ Attorney General in _____ would remain the same as well, not increase for Petitioner.
- The Court based its ruling on hearsay from Petitioner rather than facts from evidence provided by Respondent. This challenges Arizona Code of Judicial Conduct Rules 1.2 and 2.2