

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-085

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made improper evidentiary and legal rulings in a dependency matter and belongs to a sexist organization.

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: May 16, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on May 16, 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

2018-085

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.

A dependency hearing was scheduled to be heard by _____ on _____ Upon arrival at court, it became painfully obvious that the attorney _____ was not prepared for this case. Even though certain disclosures had been made by the _____ no rebuttal evidence had been obtained, no witness subpoenas had been issued, and she was not familiar enough with the case to present it adequately. At this point, I informed the court that I would represent myself, as this was a better situation than an unprepared attorney trying to come up with arguments. _____ remained as advisory counsel only. During the hearing, _____ barred me from calling the biological mother of the children to testify even though she was mandatorily present and available. _____ made this determination based on the assumption that since no subpoena had been issued prior to court being convened, the biological mother was exempt from being compelled to testify. This was a deliberate act.

This is where the unethical activities occurred. I allege that (3) three primary separate acts, either through omission, incompetence, or outright discriminatory action occurred.

1) _____ had been provided numerous documents from the _____ These documents had not been entered into evidence, verified to be accurate, or even verified to be relevant. Not one document alleged any action that would be subject to review by _____ but were instead merely character assassination attempts cleverly designed by _____ to sway the personal impression of me to _____ While all but one of these documents was successfully barred from submission to the court as being either irrelevant or unverified, _____ admitted to reading them all prior to starting court.

In this matter, _____ failed to separate her personal feelings about me and her obvious dislike, and applied it incorrectly to her ruling in the case. Even though _____ failed to produce a single verified piece of evidence or one single line of relevant negative testimony, _____ ruled that a dependency existed. This was contrary to law, contrary to the rules of burden of proof, and contrary to objective decency.

2) _____ engaged in discussion about the particulars of the case at hand with a prior judge from _____ who had made the mistake of placing the children with a meth addict. Under the guise of discussing jurisdictional issues with _____ engaged in conversation regarding the mental health of the father, despite the prior judge having only allowed for a total of (7) seven minutes of testimony in support of the father in a custody battle. While the other judge's ruling was certainly questionable, it contained no reference to mental health or evaluations. In this situation, _____ engaged in solicitation of unqualified medical testimony from another judge and admitted to this act in court. Additionally, because this testimony was obtained outside of court, the father was unable to cross-examine this "witness" or cast doubt upon this "diagnosis". This act could not be considered harmless as _____ then incorporated this unqualified and unchallenged medical testimony into her own ruling, ordering a mental health evaluation of the father with no other basis or reason to order the same.

The fact that this conversation occurred months before the actual dependency hearing proved without a doubt that _____ had not maintained any degree of objectivity. It was clear that she had made her decision, prior to hearing any testimony or receiving any evidence.

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3) _____ engaged in an overt act of deprivation of due process and failed in her responsibility of due diligence to ensure the father's attorney had adequately prepared for the hearing. _____ was fully prepared to hear arguments despite the fact that no subpoenas had been submitted, no disclosure rebuttal documents submitted, and no apparent preparation by _____. The father was able to present a case that proved that no dependency circumstances had been satisfied, as per his care and control of the children (despite the court's obvious hindrance of the same). _____ actually held the father, not trained/educated as an attorney, to a higher standard of performance than the _____ in the matter by allowing non-relevant testimony, non-relevant submissions, and even shifted the burden of proof from the _____ to the father over objection. She denied the father of even the most basic submissions. As a further act of failure to provide for due process, _____ barred the father from calling the biological mother to testify. Though already stated, _____ felt it appropriate to compel the father to testify yet denied him the same courtesy with the biological mother of the children. This overt act of deprivation of his key witness was one that even the _____ could not ignore, reversing _____ ruling on dependency.

_____ is attempting to make a name for herself through intimidation parent's of attorney's for getting the better of her in one case by punishing the parents represented by the same attorney in others. _____ lacks the ability to separate the feelings of one case to other cases by creating a culture of reprisal and punishment of attorneys representing parties in her courtroom. _____ further flagrantly mocks gender neutrality in her courtroom through her inclusion in the _____ (a sexist group that identifies that it " ... promotes and encourages the _____). _____ has no business being in a courtroom, let alone ever being a judge when faced with her _____ that encourages advancement of one gender based on sex alone.

As I understand it, I will never have to be in her courtroom again, but it is not wise to stand-by while judges act in this manner. I was lucky because I have sufficient intelligence to fight such actions legally. I would estimate that there are hundreds, maybe thousands, that he has violated the rights. She has had had many of her rulings overturned in _____ but the fact that she remains on the bench after violating so many people's civil rights is appalling. If anyone, not protected by judicial immunity did what she has done, they would be facing a litany of civil cases and likely several criminal cases. I ask that _____ be stripped of any judicial position now and barred from ever holding such a position ever again. Her conduct should also be reported to the State Bar Association for review and consideration whether she should still be permitted to practice law.