

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-182

Judge:

Complainants:

ORDER

The complainants alleged a superior court judge failed to perform his duties competently in a family law matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer 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 Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: August 31, 2018

Copies of this order were distributed to all appropriate persons on August 31, 2018.

This order may not be used as a basis for disqualification of a judge.

Comp

2018-182

Commission on Judicial Conduct
1501 W. Washington St.
Phoenix, AZ 85007

Complaint regarding the substandard and unprofessional conduct of Judge

RE:

This complaint against Judge involves his inability to properly review the evidence; his failure to discern obvious glaring discrepancies and false and/or conflicting statements in the documents presented to the Court; his overruling a prior Judges order and reversing his own ruling on the same issue; specifically, payment of fees to the

Background:

On , Judge appointed the , and ordered that Petitioner/Father pay all fees because his and multiple necessitated the appointment of the

On , Judge issued a final ruling in this matter, granting to Respondent/ Mother. He also reaffirmed Judge Order that Petitioner/Father pay all

Subsequently, the filed a report with the Court, dated , but it was not submitted until , due to the on-going medical issues

On , Petitioner/ Father filed a recommendations. A case status hearing was held on . Judge ; then issued his Minute Order on , filed on . He reversed Judge Order; and instead ordered Respondent/ Mother to pay all and of Petitioner/ Father's atty fees, based strictly and solely on the

Respondent/ Mother filed a Motion for Reconsideration on , enumerating several conflicting/contradictory and false statement in the . Judge issued a Minute Order, dated in which he essentially ignored the issues in the Motion for Reconsideration; declared that the Respondent/ Mother's Motion was " " and re-affirmed his ruling in the Minute Order, , that Respondent pay all (\$) and also pay \$ directly to Petitioner's attorney.

No other issues are pending; the case is closed.

On [redacted], a letter was sent to Judge [redacted] identifying the conflicting/contradictory and false statements in the [redacted], upon which he based his ruling; the falsified report from the parental visitation supervisor ([redacted] from [redacted], which he admitted over the objection of Respondent/Mother; the letter from [redacted], [redacted]; the Petitioner's attorney, [redacted], for lying to the Court and submitting false documents in evidence in this matter; and several misstatements in his [redacted]; [redacted].

It was suggested that in view of the many egregious errors he committed, Judge [redacted] may wish to amend his order *In Sua Sponte*, that Respondent/Mother pay all [redacted], and instead reduce that amount to that which has already paid to her by both parties, (\$ [redacted] total).

In response, Judge [redacted] issued another Minute Entry on [redacted], in which he stated that
“
[redacted]
”.

Judge [redacted]; fails to remember that the case has been adjudicated; that Petitioner has no standing to be involved in the payment of fees by Respondent to the [redacted]. Nothing in the reduction of the order of fee payment involves the Petitioner. The letter does not rise to the level of a ‘pleading’.

Moreover, while there does not appear to be a relevant A.R.S. statute that specifically addresses the issue regarding payment of fees to a Court Appointed person, we look to A. R. S. § 25-324, which addresses the issue of payment of attorney fees and ‘expenses’. This statute provides in subsection “A” that the Court may make findings before, during or **after** the issuance of a fee award.

We have attached the following for your perusal:

1. The letter to Judge [redacted] addressing his significant errors.
2. The Response and Objection to Parenting Time Supervisor’s Report, which Judge [redacted] admitted, (over Respondent/Mother’s objections) “1
[redacted]”. This response identifies the false statements and deliberate misrepresentations in that report. Judge [redacted] never read this in the case history.
3. The complaint letter to the [redacted], and their reply, in which they state they will conduct a [redacted] [their words] of the [redacted] for violation of A. R. S. § 32-3251 (16) Unprofessional Conduct.
4. The Letter from [redacted], [redacted].

In addition, we respectfully request that you read Judge [redacted] Under Advisement Ruling, filed [redacted] in which he goes into great detail ordering Petitioner and Respondent to share non-covered medical expenses and tax deductions of each of the [redacted] children, [redacted] but [redacted], he refer: [redacted]; [redacted] and [redacted] which Judge [redacted] confirmed in his order on [redacted].

As a result, Respondent spent \$ _____ dollars in attorney's fees to re-negotiate with Petitioner's attorney, file a joint petition for a Nunc Pro Tunc order, reversing Judge _____ erroneous order to share costs, and to replace it with the already ordered Stipulated Agreement. This error is/was directly attributable to Judge _____ failure to read the case history, or even remember that he had already ruled on that issue _____ prior and referred to it in the same Under Advisement Ruling!

Not to be petty, but Judge _____ also in his Minute Order of _____ and _____ referred to the _____ first name is _____

The respondent's first name is _____. While this may seem inconsequential, it serves as an example of just how inept and careless Judge _____ is and how so little attention he pays to details in the motions and the evidence submitted to him.

A brief example. In the _____ contradicts herself in _____ successive sentences. Judge _____ obviously never even read the entire report.

Given the forgoing, how can any litigant have faith in this Judge! While he may have been an excellent Clean Elections advocate, he has no acumen for _____ matters.

Attachments:

CC: Honorable

Court

Honorable