

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-306

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge was biased against him, violated the Americans with Disabilities Act, and improperly appointed a guardian ad litem in his 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 George H. Foster, Jr. did not participate in the consideration of this matter.

Dated: February 6, 2019

Copies of this order were distributed to all appropriate persons on February 6, 2019.

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

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Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

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**2018-306**

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: **JUDGE**

Court Judge \_\_\_\_\_ has intentionally and with deliberate indifference: 1) failed to comply with several of the Rules of the Arizona Code of Judicial Conduct; 2) failed to comply with both state and federal laws; 3) violated the ADA and Section 504 through ( ) instances, subjecting Petitioner to discrimination in violation of 42 U.S.C. § 12132 and the Title II implementing regulations, 28 C.F.R. pt. 35; and 4) deprived Petitioner of his Constitutional Rights of Due Process by appointing him a Guardian Ad Litem to see if guardianship is necessary, and by ordering to dismiss all of Petitioner's filings and waiving all of his defenses to the Respondent's pending petitions; 5) threatening, coercing both Petitioner and his personal aide, and retaliating against Petitioner. In support of this motion, he states the following:

- 1.) A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Rule 2.11(a)1 states that (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.
- 2.) Moreover, the Due Process Clauses of the state and federal constitutions entitle a litigant to a fair trial in a tribunal that is unbiased. The United States Supreme Court has held that "

" In re

; and Arizona Constitution. Article II. 4. states: Due process of law Section 4. No person shall be deprived of life, liberty, or property without due process of law.

- 3.) Please see the following rules of A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct,
- 4.) Rule 1.1: Compliance with the Law. A judge shall comply with the law, including the Code of Judicial Conduct.

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- 5.) Rule 1.2: Promoting Confidence in the Judiciary: A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
- 6.) Rule 1.3: Avoiding Abuse of the Prestige of Judicial Office. A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- 7.) Rule 2.2: Impartiality and Fairness. A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- 8.) Rule 2.3: Bias, Prejudice, and Harassment. (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon .... disability..., and shall not permit .... others subject to the judge's direction and control to do so. (C) A judge shall require lawyers in proceedings before the court to refrain from ..... engaging in harassment, based upon .... disability.... against parties...
- 9.) Rule 2.4: External Influences on Judicial Conduct. (B) A judge shall not permit ... relationships to influence the judge's judicial conduct or judgment.
- 10.) Rule 2.5: Competence, Diligence, and Cooperation. (A) A judge shall perform judicial and administrative duties competently, diligently, and promptly. (C) A judge shall participate actively in judicial education programs and shall complete mandatory judicial education requirements.
- 11.) 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, ... the right to be heard according to law.
- 12.) Rule 2.7: Responsibility to Decide. A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.



- 13.) Rule 2.13: Administrative Appointments. (A) In making administrative appointments, a judge: (1) shall exercise the power of appointment impartially and on the basis of merit; and (2) shall avoid nepotism, favoritism, and unnecessary appointments.
- 14.) The Presiding judge has a responsibility to report another judge's misconduct, see A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Rule 2.15 that states: A judge having knowledge that another judge has committed a violation of this code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.
- 15.) A party asserting judicial bias must overcome a strong presumption that trial judges are free from bias and prejudice and "

." State v.

Ariz. ¶: ( ) (quoting In re Guardianship of : Ariz. App. ( )).

- 16.) This motion, along with the accompanying affidavits, articulates such facts, and will prove Judge is bias and has a hostile feeling and a spirit of ill-will towards Petitioner as a litigant.
- 17.) Judge actions prove that he is bias and in violation of A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Rules 1.1, 1.2, 1.3, 2.2, 2.3, 2.4 and 2.11. Judge violated both state and federal laws when he ruled against Petitioner to protect his colleague who was acting as Petitioner's attorney. Judge first ruled in favor of Petitioner while was his attorney. Then dropped Petitioner. The Respondent then accused of violating laws in this case. The Respondent confessed to Judge that she is an complainer. Judge then

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ordered a status conference and brought \_\_\_\_\_ of his own witnesses. Judge \_\_\_\_\_ then reversed his previous rulings, and in violation of the UIFSA ordered the petition \_\_\_\_\_ filed to be “\_\_\_\_\_”. This order protected \_\_\_\_\_ from the Respondent’s accusations. Petitioner then discovered that Judge \_\_\_\_\_ and \_\_\_\_\_ were colleagues at the same law school; him being a professor and she being the acting director. Petitioner then asked Judge \_\_\_\_\_ to reconsider his order and recuse himself, which was immediately denied. Judge \_\_\_\_\_ own witness from the \_\_\_\_\_ who he relied upon for his decision then confessed to lying under oath. Judge \_\_\_\_\_ ignored it, he was only interested in protecting \_\_\_\_\_ from the Respondent’s accusations by ordering the petition moot. \_\_\_\_\_ attorney’s, and \_\_\_\_\_ retired \_\_\_\_\_ Judge who have reviewed this case have told Petitioner, in their opinion Judge \_\_\_\_\_ was betting on the fact that Petitioner was too disabled to appeal. Petitioner did appeal, and the appeal’s court agreed that \_\_\_\_\_ jurisdiction is in Arizona and that the petition to modify child support is not moot. Judge \_\_\_\_\_ put his own relationship with \_\_\_\_\_ above the law, and thereby deprived Petitioner of modifying his child support for over \_\_\_\_\_ now. It should be noted that Judge \_\_\_\_\_ was fully aware that \_\_\_\_\_ Petitioner has been paying \_\_\_\_\_ for child support since \_\_\_\_\_ of \_\_\_\_\_

For complete details and case references please see attached CD with Exhibits that contains Petitioner’s appeal opening brief ( \_\_\_\_\_ ), and the following exhibits:

- Exhibit ( \_\_\_\_\_ ) Index of Record \_\_\_\_\_ Case

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- Exhibit Petitioner's Appeal Opening Brief
- Exhibit The Status Conference Transcript
- Exhibit Appeal's Court on

18.) The appeals court concluded on : We reverse the court's order dismissing Father's petition to modify child support and remand for reconsideration.

19.) Ongoing since , Judge ' has horrifically discriminated against Petitioner who is a -connected veteran and a qualified disabled individual under the ADA. In Petitioner requested from Judge as an ADA Accommodation, to allow his personal aide to act as his cognitive interpreter during his family court hearings. In direct response to his ADA accommodation request Judge order to appoint guardian ad litem (GAL) to Petitioner. Judge then ordered the to determine and advice the Court as to Petitioner's disabilities, whether he is capable of representing himself pro se or whether a guardianship is necessary. Petitioner objected to the appointment, he filed an appeal and refused to meet with the because the court was violating the ADA and depriving him of his constitutional rights to due process. A cannot legally be appointed to a non-incapacitated disabled who is not a threat to himself or others, who is not institutionalized and did not request to be appointed a Judge out Petitioner's family court case aside and instead for the last year has both himself and his court appointed : intimidated, coerced and threatened Petitioner to meet with the and the medical expert in-person to be evaluated. During this time period Judge allowed Petitioner's , the Respondent in this family court case, to

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REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**