

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-023

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge allowed an attorney to lie and improperly allowed a grandparent visitation action to proceed.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Dated: May 22, 2019

Copies of this order were distributed to all appropriate persons on May 22, 2019.

2019-023

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 married _____ on _____ passed on _____ In _____ my husband's father, _____ served me with visitation papers, Case # _____ In _____ there was a hearing with Judge _____

She " _____ the motion because _____ wasn't prepared. _____ stated that he had never seen the papers and evidence that I sent " _____ , (I went above and beyond to make sure he got the papers at the only address he put down on the papers I was served with.)

On _____ I received a call from _____ , lawyer for _____ warning me that I needed to attend another hearing on _____ to determine if there was going to be a trial. I objected to _____ phoning in. I also tracked down the new papers that had been sent the wrong address, (not served) (I put my " _____ " down multiple times in the response papers filed with the court in _____)

Judge _____ accepted _____ motion, ignoring the fact that she had vacated the previous motion and had informed _____ that he would have to re-serve me. _____ lied to the judge about my objection to _____ phoning in and lied on the papers, saying that I was the one that had not been prepared for the first hearing.

This whole matter is boarding on criminal! Did Judge _____ not remember her ruling, did she not review her judgment from _____ ? How can she get away with this? Why was _____ allowed to lie?

_____ has never seen his grandson, has never wanted to see him or even asked for a picture of him. I have overwhelming evidence of the child abuse he put his own son through and him claiming that he would never accept me or my marriage to his son.

Upon doing my own homework, I was unable to find any Arizona case law that had dealt with this issue, the closest has to deal with custody. Please see below:

"In order to petition for custody, the grandparent first must be able to meet the following considerations as provided under ARS §25-415:

- * The grandparent must stand in loco parentis to the child (i.e., acting as a parent by providing all or some of the care for the child) (Has always said he doesn't acknowledge his grandson).
- * It must be detrimental to the best interests of the child to remain in the parent's custody. (Child is up to date on all vaccinations and is in the _____ for growth and development per his pediatrician).
- * The child's custody must not have been decided within the previous year, except in cases where there is potential harm to the child. (No custody cases).
- * The child's legal parents were never married, are in the process of getting divorced or separated; or one

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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of the parents is deceased. (Upon death of the father there was only verbal abuse by the grandfather).

"

In closing, it is beyond me that this is going to trial when the petitioner wasn't prepared from the "_____", has ignored the judges orders, that the judge ignored her own orders and the lawyer for the petitioner was allowed to lie. The amount of evidence I have proves he was an physically and verbally abusive parent in the past, and by his own written statements about me and my son that are degrading and abusive shows that he hasn't changed. Why does he want visitation?

Sincerely yours,