

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-119

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Judge:

Complainant:

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**ORDER**

July 31, 2019

The Complainant alleged a superior court judge ignored evidence and issued improper rulings in a family law matter.

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).

Commission members Diane M. Johnsen and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 31, 2019.

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

**FOR OFFICE USE ONLY**

**2019 - 119**

**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 am concerned that Judge

1. Misinterpreted facts presented in this case
2. Ignored documented evidence provided by the Father and relied on heresy of the Mother
3. Put incorrect statements / facts in the court order
4. Did not once mention the testimony or the report given by the Court Appointed Advisor

Mother has a proven history of drug abuse ( \_\_\_\_\_ ), alcohol abuse, depression ( \_\_\_\_\_ ), and suicide attempts ( \_\_\_\_\_ ). Most recent drug use was confirmed by a hair follicle test ordered by the court in \_\_\_\_\_. She did submit to weekly drug tests and has been clean.

From Judge \_\_\_\_\_ order: In the Joint Pretrial Statement, Father claimed that " \_\_\_\_\_ " and that her " \_\_\_\_\_ " He presented to credible evidence to support these claims.

From Judge \_\_\_\_\_ Order: her report of a rape to Father, to which he responded by walking away. There is no documentation that Father walked away - only Mothers testimony. This accusation is absolutely false - Father called the police & chased down the suspect until police arrived. Police records will show that Father was present when they arrived and Mother refused to press charges but she had initially invited the suspect over to her house late at night.

From Judge \_\_\_\_\_ Order: Further, Mother's relapse in late \_\_\_\_\_ was not surprising given that four of her relatives had died in the last year or so, and Father had moved out with \_\_\_\_\_ How is this okay?? Is Judge \_\_\_\_\_ saying that it is okay to relapse on \_\_\_\_\_ when life gets too hard and Mother becomes depressed again? Yes Mother has been clean for \_\_\_\_\_ months but the hundreds of pages of medical records indicate that she has a pattern of using - getting clean - using again.

From Judge \_\_\_\_\_ Order: Mother testified (and the Court believes) that when Father arrived, he was going to let her take \_\_\_\_\_ until the Grandparents intervened. Mother also testified that Father has suggested, outside the presence of his parents, that he and Mother reconcile. Thus, it appears that the Paternal Grandparents are not only overly involved with the parents and \_\_\_\_\_ but that they exercise undue influence over Father. Again - Judge \_\_\_\_\_ solely relied on the Mother's testimony - no documentation or proof any of this occurred. She did not take any consideration for Father's testimony or documented evidence. Judge \_\_\_\_\_ is very judgmental of Father's parents being involved - what she failed to consider or mention is that Mother had no problem showing up to Paternal Grandmother's work hysterical saying she had no money and no job. Mother had no problem having Paternal Grandmother pay Mother's cell phone bill, Mother's daughter's school lunch account, put gas in Mother's car and get Mother a job at Paternal Grandmother's place of business (which Mother walked out on less than a week on the job). Father provided documented evidence of all this. Why is Judge \_\_\_\_\_ allowed to only use Mother's testimony?

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**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.

From Judge \_\_\_\_\_ Order: In contrast, Mother has never attempted to limit Father's parenting time. Absolutely False: Father provided text messages that showed that when Father tried to work out birthdays' holidays, etc Mother always refused. Mother would fight with Father. When Mother would ask for a change is visitation days/times Father would always do his best to accommodate. Again, documented evidence was submitted for this and Judge \_\_\_\_\_ completely ignored it.

Judge \_\_\_\_\_ also took into account Father's part-time job when calculating Child Custody payments. That is not allowed

Judge \_\_\_\_\_ set a schedule for Tax Exemptions of the child that Mother and Father share. She did not address the issue that mother falsified her \_\_\_\_\_ taxes - filing as Head of Household and Claiming the shared child. Mother also refused to give her Social Security Number to Father so he could properly file his taxes. Documented evidence was given for this as well.

Court appointed advisor's recommendations (why was none of this taken into consideration at all):

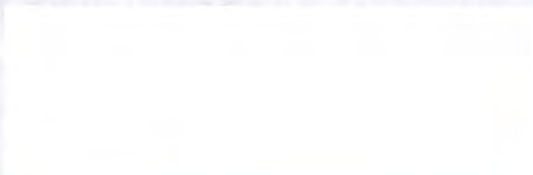
- 3. Mother will continue her same parenting time days and hour's; however, Father will wait for the parenting time to be complete away from the child and Mother. (please see above example). Safe guards should be in place. After the first several parenting time visits, If Father is comfortable leaving Mother and the child at her home or establishment for the parenting time visits, he will make the decision. The goal is for Mother to eventually have unsupervised parenting time with the child. Father will transport the child back to his home when parenting time is complete.
- 4. Mother will participate in a mental health evaluation, to rule out if medication is needed or if she is a threat to herself or others. Mother will follow the recommendations.
- 5. Mother will be allowed to talk or SKYPE with the child one time a day during the child's waking hours.
- 6. The parents will communicate by email important issues regarding the child.

Court appointed advisor's concerns:

Mother's drug test was positive in \_\_\_\_\_ for \_\_\_\_\_ and \_\_\_\_\_ . Mother was not drug tested to the CAA knowledge from \_\_\_\_\_ to \_\_\_\_\_ However, when Mother participated in a drug test \_\_\_\_\_ Mother's drug test was positive for \_\_\_\_\_ and \_\_\_\_\_ This shows a pattern that Mother can stop using illegal substance, it also brings concerns if Mother become stressed or feels depressed will she use again. The CAA suggest Mother proves longevity of no illegal substance for a period longer than a \_\_\_\_\_

The child is at vulnerable age and cannot take care of himself or call for help if needed. Mother has demonstrated longevity of no self-harm and not using illegal substances, however a licensed clinical professional should evaluate Mother to confirm she does not need medication and that she is not a going to harm herself or the child.

## COURT-APPOINTED ADVISOR UPDATE REPORT



Case Number: [redacted] Assigned Judge: [redacted]  
Petitioner: [redacted] Petitioner's Attorney: [redacted]  
Respondent: [redacted] Respondent's Attorney: [redacted]  
Date referred to CAA: [redacted] Next Hearing Date: [redacted]

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Child(ren): [redacted] [redacted] [redacted]

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**Contacts and Interviews:**

<u>Name</u>	<u>Relationship</u>	<u>Date of Contact or Interview</u>
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

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**DISCLAIMER**

This CAA will address those issues most pertinent to the matter currently before this Court in this written report; this CAA will not memorialize a person's statements word-for-word unless this CAA believes the statement made should be attributed directly to a party. In that instance this CAA will use quotation marks to identify the exact quote.

This report is based upon interviews with the parties, including reported events, beliefs, and opinions expressed by the parties, children, or other ancillary sources. This report is also based upon observations made by the CAA, review of records received, and the findings and conclusions made by this CAA only.

This CAA discussed with the child(ren), where appropriate, the CAA's role with the court and explained the assigned judge will receive a report with the CAA's findings after interviewing the children and other persons.

This CAA discussed with all persons interviewed the lack of confidentiality in these proceedings, the lack of any professional relationship between the CAA and the participants (e.g., therapist, counselor, advisor), and the CAA's role as an advisor to the Court.

**The CAA reviewed the following medical records.**

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

## Conclusions and Recommendations

This portion of CAA's reports contains CAA's assessment of the issues present, concerns identified by the CAA, and recommendations for further consideration by the Court.

The Court Appointed Advisor was referred to the matter to interview the parties and investigate the allegations raised by both parents. Father has concerns with Mother's drug use and mental health. Attorney [redacted] was court ordered to request Mother's signed HIPPA release and retain Mother's mental health records and provide them to the parties. The CAA was ordered to review the mother's mental health documents and provide an updated report of Mother's mental health records.

The CAA received Mother's mental health records by email from Attorney [redacted] office on [redacted]. The CAA assessed, Mother has attempted suicide via overdose in [redacted]. Mother was diagnosed with anxiety, depression, mood disorder (adjustment disorder in [redacted]). Mother was prescribed medication, [redacted]. Mother is not currently taking medication. Mother stopped medication on her own. The CAA reviewed Mother's [redacted] Psycho Social Assessment, Mental Health Evaluation, and Mother's drug test results. The CAA confirms there were/are mental health concerns and were/ are drug use concerns.

Mother has used [redacted] proven by [redacted] drug results as recent as [redacted]. Mother has tested negative since [redacted] except for one missed drug test in [redacted]. Mother last known mental health breakdown or attempted suicide was in [redacted]. Mother voluntarily received further mental health assistance/help in [redacted]. The CAA congratulates Mother on continuing negative drug testing. During the CAA interview with Father, he requested Mother to continue negative drug testing for [redacted] before she has unsupervised parenting time. Mother has tested negative since [redacted] with one missed drug test. Mother has not had any other mental health episodes since the [redacted] occurrences. It is suggested Mother have a mental health assessment as she stopped medication on her own. The assessment will confirm Mother mental health and to confirm if Mother, does not need or need to take medication. Mother should continue to drug test as she should prove longevity of being clean and sober. Mother's drug test was positive in [redacted] or [redacted]. Mother was not drug tested to the CAA knowledge from [redacted]. However, when Mother participated in a drug test [redacted] Mother's drug test was positive for [redacted]. This shows a pattern that Mother can stop using illegal substance, it also brings concerns if Mother become stressed or feels depressed will she use again. The CAA suggest Mother proves longevity of no illegal substance for a period longer than [redacted].

The child is at vulnerable age and cannot take care of himself or call for help if needed. Mother has demonstrated longevity of no self-harm and not using illegal substances, however a licensed clinical professional should evaluate Mother to confirm she does not need medication and that she is not a going to harm herself or the child. Mother should be allowed to have her parenting time with the child not in the immediate area supervised by Father at a public location. (Example Father will transport the child to Mother at a public establishment and wait outside or on the opposite part of the room from Mother and

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COMPLAINT ON ITS WEBSITE.**

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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.**