

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-245

Judge:

Complainant:

ORDER

October 16, 2019

The Complainant alleged a superior court commissioner was biased against him and made 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 member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 16, 2019.

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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.

Commissioner _____ was assigned to my family divorce case in _____ as Judge _____ retired from the bench. Many issues remained within my Divorce decree that _____ did not address & later became issues for _____ to attempt to understand the nature of the problems.

When my decree was finalized in a _____ hearing, I no longer had the ability to continue to pay for council to oversee my case full time. My ex-wife _____ had the representation of _____ legal

In a hearing on _____ my ex-wife with representation of _____ Legal _____ brought up issue that I had not presented any proof of attending an _____ and that it was a direct violation of a courts order _____ had written in her Under Advisement Decree. without hesitation immediately suspended my (DAD) parenting time until I started to show proof that I was no longer violating the courts order & taking such classes.

In a hearing held _____ was being represented by _____ Legal _____ I _____ was being represented by _____ begins with _____ reporting behavior stating our children in common are being physically abused while in my care (_____ -DAD), however reports are unsubstantiated. Signs that mother has started to coach the kids have immersed. The court orders _____ (MOM) as follows—"

" The first sign the court would not follow-up on its own minute entry & would not affect _____ (MOMs) parenting time like it affected mine in suspending it

On a hearing held _____ was being represented this time by a private attorney named _____ and I was being represented by _____ Issues where advanced to the court of _____ (MOM) making numerous false reports to _____ about Father physically abusing our children in common. All reports had been unsubstantiated. _____ went on to hire a psychiatrist who later confirmed my oldest son was being coached to say negative things against fathers parenting (_____ The court addresses _____ behavior by wording its minute entry as such--"

" The court went on to warn _____ if the behavior continued related to _____ reporting. The court AGAIN mentioned they as well wanted mother to start seeing a therapist related to her behavior, however the court failed again to execute a follow up plan to ensure _____ had taken the court ordered classes; parenting time was not affected like mine was in



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Fast tracking to a hearing held (respondent) is no longer being represented by any attorney. I am being represented by The issue brought forth to the court is that had been continuously violating the courts order in never providing proof of therapy to the court as ordered in counseling & As a result of the court not following up numerous false complaints against me had been filed. This is after the court had warned mother of this continued behavior. The court had addressed these calls in a hearing held admonishing Previous to my attorney filed a motion to suspend parenting time due to both factors; Missed therapist sessions since continued reports harming the welfare of our children in common by coaching our only son who is verbal. again shows impartiality towards me (DAD) and does NOT suspend (mom) parting time. was provided with numerous unsubstantiated reports and psychiatrist reports telling the court But yet continues to demonstrate his impartiality on the bench. When I attempted to bring this view of impartiality in open court for him to address, he immediately told me to be quite and said

I ask that the judicial committee take a strong look at my case as the facts I believe are adequate enough to show the conduct of is not in line with the Judicial Conduct. A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY. If the Judicial committee needs further information through the course of its investigation, please feel free to request it from me at

ARIZONA

COUNTY

CASE NO.

DATE:

Petitioner

and

Respondent

MINUTE ENTRY

RESPONDENT'S MOTION FOR CLARIFICATION RE:

ENFORCEMENT OF THE ORDER OF

PROTECTION & REQUEST FOR ATTORNEY FEES:

Both parties are present. Respondent. are present, interpreting in for the

make opening statements to the Court appearing telephonically, is sworn and provides an update on the supervised services to the Court.

Petitioner's Exhibits are identified are as follows:

- 1--Copy of e-mails
- 2--Copy of Calendar dated
- 3--Copy of and Plan pages

Respondent's Exhibits are identified are as follows:

- A--Copy of Handwritten Note dated .
- B--Copy of Case Summary Report
- C--Copy of dated

THE COURT FINDS that it is unacceptable that the parties are requesting that the Supervised Services undre the children to verify if there are any marks on them.

MINUTE ENTRY

IT IS THEREFORE ORDERED upon arrival from the other parent's parenting time, that neither parent

THE COURT will determine what types of classes that [redacted] that will assist the Respondent/Mother regarding the [redacted] to the children, and the Court will send a separate Notice to her to attend those classes.

[redacted] states the grounds for the Motion and argues to the Court. [redacted] argues in opposition.

IT IS ORDERED, that the minor children's school shall allow the paternal grandmother, [redacted] or the paternal grandfather, [redacted]; or the family friend [redacted] to pick up the minor children after school on [redacted] if the Respondent/Father is unable to appear to pick them up. The above stated persons are authorized by the Court.

IT IS ORDERED that the Petitioner/Father shall remove the Respondent/Mother's number from his phone to ensure that random accidental texts cannot be sent. The parties can agree on a third-party person to notify the other parent if the children have an emergency at their own discretion, otherwise no notice needs to be provided to the other parent during emergencies.

IT IS ORDERED that [redacted] does have an obligation to pay [redacted] to [redacted] at this time. The Court will not order [redacted] to release her Social Security Number for the purposes of Petitioner/Father's taxes. This Minute Entry may be provided to the [redacted] or its representative to assist [redacted] in obtaining his Spousal Maintenance credit.

IT IS ORDERED that the minor children shall contact the Petitioner/Father by phone [redacted] Petitioner/Father may [redacted] Petitioner/Father shall keep his voice mail empty so the minor children may leave a message if they call and he is unavailable. The Respondent/Mother shall ensure that the oldest child leaves a message if Petitioner/Father is unavailable. If the

MINUTE ENTRY

Petitioner/Father returns the children's call between _____ the
Respondent/Mother is to wake them up to answer the call.

IT IS ORDERED that a Review Hearing is set for
estimated length _____. At the next hearing the Court will review the school calendar to
determine if there is a way to no longer use the Supervised Services, how the telephonic contact is with the
children is progressing, the pick-up on _____ from school, and checking on the progress of
Respondent/Mother's parenting classes and ensure that Respondent/Mother has

IT IS ORDERED that the Petitioner/Father shall contact his insurance company within _____ to
determine the status of the insurance cards and notify Respondent/Mother, through counsel, when the cards will
be available to her. Within _____ receipt of those cards, the Petitioner/Father, through counsel, get those

THE COURT FINDS that _____ may file a _____ with the
Court, and the Court will then determine if it is appropriate.

_____ moves to Withdraw with client consent.

IT IS ORDERED that the Motion to Withdraw is GRANTED.

The Respondent/Mother is admonished that she needs to maintain open contact with _____ since
she no longer has counsel.

There being a conflict with the Court's calendar,

IT IS ORDERED that the Review hearing currently set for

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
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.**