

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-314

Judge:

Complainant:

ORDER

December 18, 2019

The Complainant alleged a pro tem superior court judge engaged in improper ex parte communications, was biased against her, and made erroneous 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 Commission Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on December 18, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-314

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.

Please see in file named " _____ "

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Petitioner and Respondent are both _____ of _____ (excluding _____ and _____) Petitioner accepted a job in _____ I study in _____ Both parties are permanent resident of _____ According to the US Constitution and _____ Law, the child is a US citizen and a citizen of _____ (excluding _____ and _____) Although _____ does not recognize dual citizenship, it recognizes the child's citizenship of _____ by issuing a Travel Document for her. The child's US citizenship is recognized when she is outside

On _____ and _____ there was _____ settlement conferences for the case # _____ In the first conference, the judge decided that Petitioner has to conform to _____ of _____ and put it into recording. When Petitioner asked me if he could take the child to _____ to see his parents, I said no, because he lied-his parents does not live in _____ Then Judge and none of two attorneys said anything regarding international travel, except that the child should go to _____ with Petitioner for a period of _____ My previous attorney lied to me that the Judge (Pro Tem) is the final judge, and both of them told me if I do not agree, much worse judgment can be entered. For example, the child can go to _____ every _____ Under their duress, I had to agree. Both parties took an oath for the recording of the settlement. Right after the settlement, Petitioner approached me and happily said I was not allowed to go to _____ I said no and for assurance I emailed my previous attorney, who said,"

" This assumption is never stated during the settlement and there is no mention of international travel restriction upon me. No one stated anything like that you cannot go to _____ I replied to my previous attorney that it was never discussed and I would never consent to it. She said it is binding. Then I suspected Judge Pro Tem and two attorneys have an " _____ " before the

settlement conference because they seemed to have consensus regarding this issue that had never been mentioned during the settlement. So I fired my previous attorney and decided to represent myself for the second settlement conference.

Before we had the settlement conference, I went to _____ in _____ for _____ assistances, because the child's Travel Document was issued there. I also made a couple of calls to the Judge Pro Tem as I would like to explain and seek clarification of something before our second settlement conference. I left a voicemail on _____ But I was never called back by her. On _____ before we had the second settlement conference, Judge Pro Tem already had a conference with opposing counsel and Petitioner in a meeting room. When I arrived, they came out of a room and Judge Pro Tem asked me to stay in that room they just had a meeting and then she accompanied them to somewhere else and continued their talk for a long time. I waited in the room without receiving any explanation as to the separation of two parties. The segregation started from the beginning to the end. As far as I know, judge cannot meet and talk with one party without the presence of the other party. I spent majority of time waiting in a room alone. When she was back probably after _____ she began interrogating me why I fired my first counsel. At that moment, I was quite sure that there are some dealings and may be some conflicts of interest because it seems she and _____ are friends. Once I fired _____ Judge Pro Tem was furious and shifted her role as Petitioner's counsel. I was shocked why a judge can ask such a question that has nothing to do with the case. Then she represented Petitioner to urge me to pay child deposit to Petitioner because I will remain in the US (to go to law school) and raise the child in the US and it is dangerous because I may take the child to _____. I told her I did not have that money for deposit and it is unreasonable for a Mother who faced the risk of not collecting child support from the father (a _____ citizen residing in _____). I

expressed my concerns that I will fail to collect child support and I need to go to
as my family is there and I have a research project there. Even though I am an
student residing in the US, I am rooted in Then Judge Pro Tem
illogically stated during that conference and in her clarification made today, that "

' (I can provide written order for this). Obviously, a reasonable person will know
that in a divorce case, the context refers to the child custody---meaning majority of time the child
should remain in the US and it refers to the visitation for non-custody parties instead of custody
party like me. I told her is also part of --why the child can go to
but cannot go to I told her I am not US citizen or permanent resident of US but a
citizen with permanent residency in She represented Petitioner and
argued that," " I
told her I also had concerns of losing the child to but one-sided restriction to Mother
is unreasonable. I showed her the Travel Document and Permanent Residency Book that the
father applied for Travel Document for the child to go to AND the child went to
in I told her Petitioner lied that he could not locate the child because his
registered permanent residency is in my parents' apartment in and he stayed
there almost before he filed for divorce. Judge Pro Tem began making up facts that I
agree to forbid the child to go to during the first settlement conference and urged me to
observe the order.

Judge Pro Tem assisted Petitioner lied about his job offer in the US by providing a
recruitment ad and saying there is a phone offer. I had part of the recording for the second

**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.**