

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-325

Judge:

Complainant:

ORDER

January 28, 2020

The Complainant alleged a superior court judge was biased against her, prejudged her case, improperly denied her request for a fee waiver, and failed to issue a timely ruling.

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).

Commission members Denise K. Aguilar, Gus Aragón, Roger D. Barton and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 28, 2020.

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

FOR OFFICE USE ONLY

2019-325

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.

One of the first things Judge _____ said upon entering court room was he believes in father's rights and a father does not have to be present during his parenting time, contrary to A.R.S. § 25-403.01 D. He also stated several times that this case would go to Appeals. He further misapplied A.R.S. § 25-409 as he gave the petitioner's visitation time to the grandmother when he was proven not to be available. Judge _____ had previously ruled that 1. the petitioner had to be available for his parenting time and 2. the grandmother, who originally asked for the petitioner's time, was asking for too much time which could be harmful to the child and interfere with the child's daily activities. Yet Judge _____ basically reversed the prior order despite the law and punished me for obeying the order. I believe had he not been so bias towards fathers' rights, he would have agreed with me on how my attorney interpreted the Appellant Court's ruling. But I feel his bias made it impossible for him to even listen to the evidence given.

He also did not listen to the petitioner when he stated he actually had the child's Social Security number under oath. Yet he ruled that I had not given it to him even though I was never responsible for giving it to him and decided against Judge _____ ruling that the petitioner would get to file with the child as a dependent in past and future tax matters. Judge _____ also ruled that petitioner could not claim the child for taxes if he was not completely caught up on child support, in which evidence was given to prove arrearages. Yet Judge _____ ruled against me when I was following the prior order.

In court, all parties including _____ agreed they would not use _____ so it did not need to be used. Yet Judge _____ decided to sanction me for it after the fact in his final order. Overall, in his ruling, Judge _____ showed a severe bias towards the petitioner (father) in his ruling and subsequent actions.

I filed a Notice of Appeal with a request for waiver/deferment of fees as I am unemployed and on food stamps. He denied it for affidavit. According to the waiver/deferment papers, he was supposed to approve automatically since I am on food stamps. I feel this was another attempt to make sure I could not appeal his ruling so that the petitioner would prevail.

_____ has violated RULE 1.1. Compliance with the Law by not following ARS -409 and 25-403.01 D. violated RULE 1.2. Promoting Confidence in the Judiciary by his statements regarding pro fathers' right and this case going to appeal. He also violated both of these by failing to look at my evidence which proved the plaintiff lied. violated RULE 2.2. Impartiality and Fairness as his statements and ruling clearly prove. _____ violated RULE 2.3. Bias, Prejudice, and Harassment as shown above. Also by denying my request for deferment/waiver of fees, he knowingly is trying to make it impossible to appeal timely due to his prejudice and I consider this a form of harassment and intimidation due to me being a female. I feel that he negatively stereotyped me because I do not work and am a woman.

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COMPLAINT AGAINST A JUDGE

Nam _____ **Judge's Na** _____

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further violated RULE 2.5. Competence, Diligence, and Cooperation as our hearing was on _____
but the signed order from Judge _____ dated _____ and filed _____ was received by my attorney
and myself on _____. He failed to perform judicial and administrative duties competently, diligently, and
promptly. According to Article 6, Section 2, the order should have been finalized within 60 days, not almost
violated RULE 2.6. Ensuring the Right to Be Heard as he first refused to allow us to reschedule so that
my attorney could prepare for the extra accusations added by the petitioner _____ working days before the hearing or he
should have not cut off testimony regarding those issues. This made the hearing unfair and not impartial.
_____ should have disqualified himself under RULE 2.11 A.1 as his statements regarding father's rights
automatically showed his bias towards the petitioner and against me. He sold have come into this hearing with an open
mind. He actually laughed when the petitioner's attorney was trying to make me look like a bad person and I called the
attorney on it.
As a whole, _____ decided that I violated _____ orders although I was following them because of his prejudice
and lack of knowledge of family law. His subsequent actions or lack thereof further demonstrate his inability to be a
judge.