

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-379

Judge:

Complainant:

ORDER

February 27, 2020

The Complainant alleged a superior court commissioner improperly found her in contempt 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).

Commission members Denise K. Aguilar, Roger D. Barton, Colleen E. Concannon and George H. Foster, Jr., did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 27, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019-379

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____ Honorable

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.

On _____ during an enforcement hearing following a mediation conference, before Commissioner _____ I notified Commissioner _____ that I had a scheduled Post Decree Mediation for _____ and filed for a Petition to Modify and was awaiting a court date for the Resolution Management Conference. I made Commissioner _____ aware, since the original Parenting Plan was put in place on _____ there has been continuous and ongoing changes as I have been working full time and self supporting the child in common without receiving any child support. As a result, I was not able to transport the child in common to a couple of visitations. Commissioner _____ still found me in contempt of court knowingly I had a Post Decree Mediation to cure the situation and awaiting a Resolution Management Conference.

On _____ I called the judicial assistant of Commissioner _____ and stated that I had a Post Decree Mediation scheduled for _____ and a Resolution Management Conference scheduled for _____. I asked if the Non Compliance hearing on _____ could be vacated and the judicial assistant put me on hold to speak to Commissioner _____. Upon return, she stated, " _____ "

On _____ I was scheduled for a Non Compliance hearing before Commissioner _____. I continuously checked my _____ and my mail for a copy of the minute entry from _____. However, the minute entry was never electronically filed or placed on the _____ and a copy was never mailed to me until after I called on _____ and ask why I had not received the minute entry for _____. Supervisor Clerk of the Superior Court, stated that there was a delay in the approval of the minute entry.

During the Non Compliance hearing on _____ I reiterated to Commissioner _____ that there is a Post Decree Mediation scheduled for _____ and that the Resolution Management Conference has been scheduled for _____. Commissioner _____ said that she wanted to take the matter into her own hands. I believe she acted in violation of Judicial Law knowing that I was working full time and could not transport the child in common to the make-up day on _____ and was working a towards a resolution by submitting a Petition to Modify Parenting Time.

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On _____ Commissioner _____ verbally ordered that my mother, who was neither present in court or spoken to, to transport the child in common to _____ knowing that _____ has an Order of Protection that was granted by Commissioner _____ In fact, _____ texted my mother asking where she was at for the visit on _____

This is clearly in violation of Judicial Law to order some person to violate an Order of Protection and order them to participate in a family court matter that does not pertain to them when not present or contacted to ask.

Commissioner _____ asked where I was on _____ I showed her video evidence that was date, time, and location stamped of me and the child in common waiting at the entrance of _____ for _____ The video clearly shows _____ people entering and exiting, and the voices of me talking and the child in common. Commissioner _____ stated, "

" when in fact I was clearly at the location for the visitation on _____ Because of the continuous disregard by Commissioner _____ in knowing that I have a Post Decree Mediation and Resolution Management Conference scheduled I intentionally video taped my presence for the make up date.

In addition, Commissioner _____ disregarded the fact that _____ failed to show up for scheduled visitations after _____ and filed the Non Compliance Affidavit on a scheduled visitation day. Commissioner _____ fined me \$ _____ for failure to comply with her orders. Commissioner _____ has continuously shown prejudicial and biased sanctions and has failed to follow Judicial Law knowingly that a Post Decree Mediation and Resolution Management Conference has been scheduled based on this very matter.