

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-028

Judge:

Complainant:

ORDER

April 24, 2020

The Complainant alleged a superior court judge engaged in ex parte communications with the opposing party and issued unfair rulings.

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 April 24, 2020.

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DETAILS OF THE COMPLAINT

EX PARTE / PAGES
TRANSCRIPT / 3-8

Any Discussion/
Any Conversation
spoken between

and the
Petitioner.

Without my
presence / I did
not see/read
on The
Court Transcripts

Upon my arrival with my Son,
We noticed how
quickly the Court room became silent,
As both Judge and the
Petitioner, Discussed/
were having a conversation and
immediately stopped speaking with each
other as they saw us walking towards
them.

Judge, demeanor was
concerning as he repeatedly expressed
concern while trying to convince me
that this conversation he just had
with the Petitioner,
was really not important, should not
concern me. Judge
continued by saying the following "As
you could see we had just started
with the hearing". We really didn't
have much time to talk" (As best as
my Son and I could
recall) being said to me.

This is not typed in the transcript
I received from the court.

On Pages 3-8 you will find
what was (according to the Reporter
writing the transcripts,
is what was spoken prior to my
arrival) in the hearing by both
Judge and Petitioner,

What I read on the transcript
On page (3) thru (8) ending on line 23
shows me the same (testimony)
conversation (questions) exchanged
between Judge and Petitioner
while I was present.

Predjudging a potential witness - Page (10) Lines 9-25/page(11) Line 1.

By my side was my son years old. I brought him to testify, he was a witness to my case. While my son and I were seated, Judge continued with the hearing. Then Petitioner mentioned to Judge, he didn't believe my son, he said the child shouldn't be out in the middle of this. Petitioner also mentioned my son should be there while there is Adult conversation. (You will not find this on The transcripts) - the last comment by the Petitioner.

ON THE TRANSCRIPTS SHOW THAT MY SON WAS ASKED TO LEAVE AND HE WOULD BE CALLED WHEN NEEDED, I DO NOT RECALL, NOR MY SON THAT HE WOULD BE ALLOWED BACK INSIDE THE COURTROOM TO TESTIFY,

He never got/ He wasn't given a chance to testify.

ON THESE PAGES (10) THRU (11) ^{ENDING LINE 1} SHOWS THAT MY SON WAS ASKED TO LEAVE ONLY AFTER THE PETITIONER SUGGESTED AND IT SHOWS I DID IN FACT SAY MY SON IS A WITNESS.

MY EX HUSBAND THE PETITIONER, IS BEING ASKED MULTIPLE QUESTIONS REGARDING THE CASE, PETITIONER MENTIONS MY CHILDREN, SAID THIS OR THAT. PETITIONER MENTIONS, MY SONS, OR MY DAUGHTER TOLD HIM ABOUT MY PERSONAL LIFE OR MY HISTORY. WITH THIS I WANT TO MENTION THAT JUDGE.

IS BEING VERY ATTENT, IS LISTENING, IS CONSIDERING WHAT THE PETITIONER HAS TO SAY ABOUT ME KNOWING THAT THERE WERE STORIES COMING FROM MY CHILDREN, ACCORDING TO PETITIONER. WHEN I WAS GIVEN A BRIEF MOMENT TO ATTEMPT AND DEFEND MY CASE I WASN'T GIVEN THE SAME RESPECT, TIME, AND CONSIDERATION.

name

project

date

Acting AS A Lawyer
page 19. lines 16-20

Acting AS a
Specialist/Doctor

r

After Petitioner Finished saying/
that I believed there
were Parasites and that I made
him do this procedure, Judge
immediately asked
Petitioner, "If my home was filthy",
"Possible there's parasites in there?"
"Do you know". -

Inappropriate
Comments

Inappropriate
demeanor
page (21)

I was asked by Judge
to come up to his Bench, "he asked
me 1 or 2 Questions and while
I stood in front of him, he continued
with Questions and continued to answer
Questions concerning the Petitioner,
This was while
I stood next to his bench, not
knowing what to do I felt disrespected
As I believed after Judge
mentioned he was going to ask me a
few Questions and instead, he
continued to allow Petitioner to speak
while I'm standing, Giving Petitioner
more time to build his case without
any evidence besides my arrest/Police Report,
which in fact was dismissed.

pg 21

The entire hearing was about a temporary order that was granted to the Petitioner.

The Focus was on the comments made by petitioner, not on the Facts. A big part of the hearing we dealt with Paperwork (My reply) to his the Petitioner's request to the Court, which in fact he did receive prior to Court on this date.

I had mentioned a letter my daughter wrote, I asked Judge, if he read it, immediately Petitioner said to Judge "That letter her daughter wrote is referring to her family" "I have nothing to do with that letter,

If The Petitioner did in fact not get a copy of my reply how else would he know about this letter?

while I asked Judge, if he read the reply I sent, he said (NO) - then corrected himself by saying "just some of it" - while judge had my reply in front of him he flipped thru the pages as if they were a joke. while he smiled and frown asking "what is this? Did you make copies and got them online"?

Page 23
Making inappropriate comments

Comments made by Judge

not on the transcripts

Refusing to let me
show evidence

Inappropriate
Comments

I asked Judge

if he Read my sons letter
he said no, that its not really
important, he is just a kid:

Referring to my year old son,
the son

whom Petitioner is there seeking
Full custody of.

In these letters my son writes
How his dad the Petitioner, has
emotionally hurt him, how much his
dad lies, and everything that his
dad has done wrong to me in a
shorter version. My son Pleading
in those letters in attempt to
have the court Punish his dad for
lying and hurting both him and
me. But these letters were never
heard,

Inappropriate
deceitful

I mentioned to Judge
that Petitioner,

moved our son to a different
school without my consent -

Instead of punishing the Petitioner,
he was Praise. - Judge,

Smiled and asked the Petitioner,
How this new school was working out?

if he was happy with the school?
and if there were any problems?

Continued to disregard my concerns.

Giving custody to the Petitioner

and upon Petitioner request for me
to have supervised visitation with

son at my Moms house, where

Petitioner knows I didn't agree. I
told Judge

that it
would be difficult to visit my

**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.**