

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-053

Judge:

Complainant:

ORDER

August 11, 2020

The Complainant alleged a superior court commissioner had sent inappropriate texts and emails pertaining to a personal 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 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 August 11, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-053

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.

See attached documents

Compliant against _____ **Commissioner of the Court** for: **Violation of the Arizona Code of Judicial Conduct, RULE 2.1.: Giving Precedence to Judicial Duties: *The judicial duties of a judge take precedence over all of a judge's other duties.***

Comment:

1. *To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result infrequent disqualification.*

2. *Judicial duties are those prescribed by law. In addition, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system.*

Compliant against _____ **Commissioner of the Court** for: **Violation of the Arizona Code of Judicial Conduct, RULE 3.1.: Extrajudicial Activities in General: *(C) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality or demean the judicial office.***

Comment:

3. *Discriminatory actions and expressions of bias or prejudice by a judge, even outside the Judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, political affiliation, or socioeconomic status. For the same reason, a judge's extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination.*

Over the past _____ my ex-wife, _____ who is a _____ has consistently harassed me via text messages and emails. The text and emails include demeaning comments, bullying statements, threats of her _____ degrading comments about my socioeconomic status (*I'm a _____ and make less money than _____*) and stereotypical bias/harassment and false statements of me. I've requested her to stop on multiple occasions, but she refuses. Filing this complaint is the only recourse I see available to me to stop her false accusations, threats, bias, prejudice and harassing behavior towards me. Her behavior is a direct violation of the Arizona Code of Judicial Conduct and I need it to stop.

To validate and support my complaint, I have included excerpts from text messages and emails _____ has sent me. They will be noted at the end of my complaint. I have copies of the full/complete documents upon request, if needed. Her inappropriate behavior began in _____ and continues to date, and I need it to stop.

In addition, this past _____ during our daughter's _____ (which I did not retain counsel for because I believed it was going to be a fair and impartial process), to my surprise, _____ painted a picture of me as being a violent man full of rage. This strategic approach of hers was a complete lie and I believe was based solely on her need/desire to win (she was seeking final medical decision making). I believe her false accusations swayed the opinion _____ (_____) since I didn't retain counsel. Her false accusations were ridiculous and unfounded but since I'm a _____ with no counsel, her _____ believed her and showed favor towards her during mediation. Judge _____ stated to the group during the conference " _____ " and in private told me " _____ ". At that point, I understood the mediation process wasn't going to be fair.

I've never in my life caused physical harm to anyone including _____ or our children, nor do I have a criminal record/background or have been physically abusive to anyone in any way. I'm simply _____ Since this approach worked for _____ in _____ she has continued with this theme in her text and email responses to me. I have had enough and have repeatedly emailed her, asking her to stop with the false accusations and harassing/bullying behavior. I also asked _____ to stop texting me and only communicate with me via email.

I ask that the Arizona Commission on Judicial Conduct fully investigate my complaint. It's my opinion that _____ will attempt to minimize and deny her actions, but I'm smart enough to have saved every email and text message she has sent me over the years because I felt like this day would come. I should have filed this complaint years ago. **I need her inappropriate behavior and false accusations to stop.**

Evidence #1: Text messages and emails excerpts sent to me from

- text message

Yes i make more money. It's a fact of life. Deal with it. We arent together anymore so i dont have to subsidize u anymore & u still have an obligation to support the kids even if it's not a lot.

U will have to adjust your standard of living. Thats NOT me punishing u, thats just life. Until u find your next sugarmama of course.

- text message

U make me sick. U didnt want more time until she told u how it affected money. I will go to court before i pay u any spousal maintenance. I cant believe u would even ask for it. This all proves i meant nothing to u but a paycheck.

did not go off on u. U just dont seem to understand that the world doesnt revolve around u & that if it's your parenting time, then u r responsible for driving, feeding, etc.

-text message

He is so sad & miserable. I will never forgive u or your filthy whores. I hope u r proud of yourself & having lots of sex. It's really important to our son.

-text message

Nice. So now u r blackmailing me like your whore girlfriend. U really want to end my career just to spite me? And then where would the kids be? God knows u cant provide for them.

Obviously u r saving texts to try to make me look bad. the problem with your plan is that i am moving on & working, etc.

-text message

U seriously think u shd have them more time than me? No way.
Selfish ass! U think they should be w u more than me

text message (related to me requesting spousal support)

I disagree & i believe 9 out 10 judges would agree with me. I cant believe u would even ask for it.

-text message

Oh & they reminded/told me that u & bitch had taken them there before.

-text message

So u want to go to trial? And who is paying your attorney? Or is she doing this for free?

text message

Be a man & support yourself. I had no problem with your profession or your paycheck, but i shdnt have to pay u to be my ex husband.

-text message

One last thing. The money u r trying to take from me is for U really have no shame. She will be living with me forever and I will provide for her forever. I will pay for his college, too. U know it's true. U r stealing from them by demanding from me. U think just bc I make more money that everything is my responsibility but that's not right. U don't even want to have to pay child support now just bc I make more even though u should. But I have to accept that u won't do what is right and u will take whatever u can and shortchange the kids in the process.

-email

Court isn't free. At least not for you. Remember, but I won't need to do that in the future. should NEVER have to go to court.

I hired an attorney for the divorce,
But we

email

if you need more nights off to sleep around just let me know. I'm more than willing to have them more of the time. I'm not kidding. I'm being serious.

-email

As usual, you're just a jerk. No further response is necessary.

-email (regarding her behavior at a meeting)

I definitely lost my temper a couple of times because the two of you refused to listen and were continuously interrupting.

text message

Obviously your wife makes more money than me. But u? (laughing emoji)

-email

has been rude and mean to my mom lately and I'm wondering if it's b/c of the things you're saying to them...that my mom doesn't want to drive them anymore

-email

Yes, I hired an attorney for the guardianship because you wouldn't respond to me when I brought it up last fall. You'll be getting a letter from him next week.

-email

If you obstruct this any further, I may seek sole guardianship.
No, you don't understand because

text message

you are showing your ignorance

-email *(this was referring to our Guardianship court case; I never obstructed).*

It really is embarrassing that you don't understand what's going on.
I think it's hilarious that you quote the orders to me.
Everything supports my position. I have sought help and followed every recommendation. You have obstructed at every turn.

email

He's not for a settlement conference/mediation - that is what Judge [redacted] is doing. It appears you don't understand the difference and it's embarrassing for you.
I will also be asking the court to award me attorney fees for this since you are obstructing and delaying the process. Replies are also routinely filed in court, but once again, you are unaware.

email

You are the dumbest person I've ever met. Your entire world will fall apart and I can't wait for that day.

That's not important to you bc you don't care about people. You are 100% self centered and manipulative so you truly don't need anyone. [redacted] will see that one day.

Ridiculous. Did you ever think the judge AND [redacted] ATTORNEY took my side bc I was 100% right?! No, of course not. I don't even know her attorney.

You're losing your mind bc of your hatred for me. Pathetic.

You are a joke of a human being. Now bc it's being pointed out in painful detail that you were WRONG and seriously endangered our daughter you want to claim she was always this way.

But you just stuck your fingers in your ears like a little boy. You weren't going to listen to anyone. I literally don't know how you're able to tie your shoes in the morning. Baffling.

**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.**