

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-183

Judge:

Complainant:

ORDER

October 1, 2020

The Complainant alleged a superior court judge was biased against him, delayed resolution of his family law matter, improperly referred him for contempt, and forced him to disclose private medical information

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).

Commission members Louis Frank Dominguez and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 1, 2020.

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

It saddens me to have to file this complaint with the Commission of Judicial Conduct. It saddens me because not only am I a Victim of prolonged emotional abuse and parental alienation from my (now-ex) wife of _____ years, but she has "passed the torch" to these judges in AZ Family Court. Our justice system is supposed to be impartial, and have the perspective and wisdom to examine both sides of the story and "see" the truth. Further, when substantiated allegations of spousal abuse and parental alienation are raised, appropriate care and diligence to protect all parties should be taken. Further, all litigants are to be treated fairly, whether they are represented by an attorney or not. Unfortunately, this case reveals that this is not the case.

Frankly, Judge _____ has never had a court delay that he didn't like. He has been assigned to this case, as he says, for _____ years - that and _____ YEARS - and he has accomplished ALMOST NOTHING in this case. A Petition to Modify parenting time has been submitted in _____ and _____ has found reason after reason after reason to needlessly delay the case. Unnecessary delays may be welcome or understood in criminal or corporate court, but in Family Court, every delay affects at least _____ child's childhood, and in this case, _____ alienated parent's rights being stomped upon. To stall a parenting time for _____ months (and counting) is ludicrous, and highly disrespectful to the children who are being abused.

Further background on this incident:

- Petition to Modify filed, _____ scheduled a "return hearing" in _____.
- The "return hearing" was completely useless _____ casually and non-charitably scheduled an evidentiary hearing that was no less than _____ MONTHS LATER, on _____ (Again, a child's best interests was at stake). _____ made no attempt to advance the case along, such as ordering a child interview, or appointing a child advocate. _____ he was interested in doing is create another delay.
- Father forced a temporary orders hearing, but again, the Court delayed requesting a child interview until the hearing took place.
- _____ conducted a _____ hour evidentiary hearing. Yet, despite having the results of the child interview in front of him in which the _____-old child AGAIN requested to have equal parenting time with both parents, the judge refused to grant equal parenting time, even in "temporary orders". He only granted _____ yours per _____ in doing so, _____ also ignored an additional affidavit from the child reiterating his desire to have more time with his Father. _____ then created more delay by taking a full _____ days to issue a ruling - but in that ruling, he created an additional _____ months delay, scheduling ANOTHER evidentiary hearing. This, after we had just completed a _____ hour evidentiary hearing on the same topic, just _____ days earlier.
- Father had submitted _____ subpoenas for evidentiary "discovery" because the opposing party was withholding information. Father also requested additional time allotment for the summary hearing to allow him to present this additional information. _____ impeded my ability to argue my case by denying my subpoenas. When I expressed my frustration at the constant delays, and the repeated prejudice against me as a "pro per", _____ created an additional delay in this case by attempting to refer me for a contempt hearing.
- _____ and _____ planned to violate my/Father's 5th and 6th amendment rights by claiming he could impartially preside over family court evidentiary hearing, which had been scheduled for _____ when he had already referred one of the parties for contempt. HOW CAN A JUDGE PRESUME TO BE IMPARTIAL AT A HEARING WHEN HE HAD REFERRED A PARTY FOR CONTEMPT? Yet, that's EXACTLY what _____ did - _____ Father had to file a pleading with the court to get the hearing rescheduled twice before the criminal contempt hearing was held. A previous CJC complaint has been filed against _____ for this. How can a judge who refers a litigant for criminal contempt, possibly rule impartially in the case with that litigant? It is a conflict of interest at that point, and _____ should have recused himself (in _____ and this time).
- _____ after yet ANOTHER court delay, this time due to the _____ pandemic held a Status Conference to introduce yet another court delay in these proceedings. Not only did he decline to even issue temporary orders, he rescheduled the evidentiary hearing for _____ in doing so, he refused to acknowledge that the Court was in violation of Father's Constitutional Rights to parenting time, as documented in Father's motion, "RESPONDENT FATHER'S VERIFIED EXPEDITED MOTION FOR TEMPORARY OR FINAL ORDER RE: MODIFICATION OF PARENTING TIME". A copy of this filing will be included with this CJC submission.
- Evidentiary hearing. During this hearing, _____ broad father to disclose Private Medical Information (PMI). There was no HIPAA release requested for this information forced me/Father to disclose that I have _____ which is very treatable with a 99% survival rate). _____ insinuated that if a person has _____ it could "affect that person's ability to parent". This is ludicrous, and frankly, disrespectful to the many cancer patients out there who are parents. Granted, if a person is receiving intense treatment, is hospitalized, or in hospice, he/she would need to have assistance, but that is within the rights of the parent. This is no different than if a parent had any other illness. This should NEVER be a factor in determining parenting time/vizitation rights! When father declined to disclose the PMI, citing HIPAA protection, _____ rolled his eyes, and gave a crooked smile in disgust. Clearly these judges have no respect for the law, or respect for the privacy rights of litigants. A person's physical health has no bearing on their abilities as a parent, especially when the judge can clearly see that the parent before them is in excellent health.
- Finally, also in the _____ hearing, Judge _____ insinuated that because Father has a non-family member roommate sharing his house that it could be a factor in a parenting time decision. Judge _____ still seemed unconvinced even though my son, _____ would have his own private bedroom in a complete opposite part of my home. When a judge takes the Oath of Office in Arizona, he/she swears to "administer justice without respect to persons, and do equal right to the poor and the rich, and I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ County Superior Court Judge, under the Constitution and laws of the United States, So help me God." Father has had friends share his home at times recently to help offset living expenses. The individuals were all Father's friends prior to moving in; they were not strangers. The bottom line is, _____ was prejudiced against Father because he has to share his home with a roommate. IT DOES NOT MATTER IF my child shares a bedroom with _____ sets of bunk beds in it. That COULD be all that a person can afford, violated his sworn oath to "do equal right to the poor, and the rich."
- Throughout these proceedings, _____ has ignored Father's rights to due process, prevented me from presenting evidence pertinent to the case, unreasonably restricted my time to present evidence, presumed to violate my 5th amendment rights. Now, he is prejudice against me because I cannot afford to live in my home without a roommate.

I respectfully ask the CJC... Father needs help. Please, open your minds, and open your hearts - if not for Father's sake, for the Children's sake. PLEASE let these judges know that their conduct is both inappropriate and illegal. They have allowed themselves to be manipulated by a master manipulator, and have been conned into abusing their unchecked power in vindication against Father. They have siphoned off > of Father's income, making it impossible for his to hire another attorney. What is more important, the lives of the Children, or the egos of these judges? Regardless, I respectfully ask that you pray for the Children (if that is in your nature); they (and Father) have endured a LOT. They need help too.

Regards,

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Attorney for Respondent Father

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF**

IN RE THE MATTER OF

Petitioner,

v.

Respondent.

Case No.

**RESPONDENT FATHER’S VERIFIED
EXPEDITED MOTION FOR
TEMPORARY OR FINAL ORDER RE:
MODIFICATION OF PARENTING
TIME**

(Assigned to Hon.

Respondent Father, (“Father”), by and through undersigned counsel, hereby moves the Court pursuant to Rule 47.2(a), *Ariz.R.Fam.L. Proc.* (“*ARFLP*”) for an expedited ruling *at or prior to* the presently scheduled **telephonic status conference** granting a temporary or staged modification to the previously issued temporary orders for parenting time that continue to severely restrict Father’s parenting time to effectively not more than *per* . Father’s *Expedited Motion for Temporary Order Modification* is brought based upon Father’s demonstrated compliance with the requirements imposed by the Court after evidentiary hearing on a permanent modification. Father seeks expedited and immediate

1 relief, at least on a temporary basis, based upon Mother’s unreasonable refusal to allow
2 Father any additional parenting time despite the recent Holiday and the recent and
3 unanticipated extended “ break” arising from .
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5 The expedited circumstances further include the urgent considerations that accompany the
6 required restoration of the important and fundamental parental interests at stake, that have
7 been severely curtailed by prior orders of the Court, essentially as a default and other
8 “sanctions” resulting from Father’s conduct in the dissolution proceedings, that has since
9 been cured and/or remedied by Father’s more recent compliance with the “purge”
10 conditions as set in the *Final Decree*, and later clarified by this Court in its ruling
11 following the evidentiary hearing on permanent modification.
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13 The Court’s more recent findings and rulings make clear that there are definite
14 changed circumstances supporting a permanent modification granting Father equal or
15 substantially more parenting time with the parties’ remaining minor son. Such immediate
16 relief is warranted because Father has sufficiently remedied his past noncompliance such
17 that continuance of the unreasonably severe parenting time sanctions are no longer
18 necessary nor appropriate, and clearly no longer in the best interests of the teenage child,
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20 , who unequivocally desires more parenting time with his Dad.
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22 Thus, Father respectfully submits that based upon the present circumstances
23 described herein, a temporary or permanent modification granting equal or at least
24 substantial additional parenting time is long overdue, and that continuing imposition of the
25 present severe limitations on his parenting time, which are tantamount to near termination
26 of his rights, serves only to cause continuing irreparable harm to the Father/Child
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1 relationship, without present just cause or reason for doing so. In further support of this
2 verified *Motion*, Father supplements the testimony and evidence previously received by the
3 Court. *See, Exh.A, Father’s Decl. (“Father’s Decl.”) and Attachments thereto.*

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. JURISDICTIONAL STATEMENT AND SUMMARY OF MATERIAL FACTS**

6 **A. Jurisdictional Statement**

7
8 The parenting time restrictions at issue upon this *Motion* have a long and tortured
9 procedural history that requires some brief summary to fully appreciate the cumulative and
10 continuing detrimental impacts upon the respective rights and interests of both the minor
11 son and Father. The Court initially entered a contested *Decree of Dissolution by Minute*
12 *Entry* filed on _____ (“*Final Decree*”) in which Petitioner Mother was granted
13 sole decision-making authority and primary residential custody of the parents’
14 children (aged _____ and _____ respectively). Father’s parenting time was severely restricted
15 to supervised visitation at a designated supervised visitation facility for each
16 _____
17 until further order of the Court. *See, Final Decree* at pp. _____. The Court
18 further specifically suspended Father’s access to or visitation with the children outside of
19 this severe restriction, which effectively constituted nearly a *de facto termination* of his
20 parental rights. *Final Decree* at p. 14; *Father’s Decl.*, ¶ _____. The severity of the
21 restrictions, and the conditions imposed for lifting them, strongly suggested that the Court
22 did not intend the restrictions to be a permanent and final “parenting plan” but rather more
23 tantamount to imposition of sanctions imposed to coerce Father into compliance with
24 certain then-pending Court Orders and punish him for his past uncooperative and
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**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.**