

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-281

Judge:

Complainant:

ORDER

March 15, 2021

The Complainant alleged a superior court commissioner was biased, prematurely ruled on matters, and did not afford one party an equal opportunity to be heard.

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 member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 15, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-281

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.

Please see attached.

To Whom It May Concern:

I am concerned with the conduct of Judge _____ with _____ County Courts in _____ Two of the four canons that make up the Arizona Code of Judicial Conduct have been ignored.

Canon 1: A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety.

Canon 2: A judge shall perform the duties of judicial office impartially, competently, and diligently.

My sister-in-law, _____, has been in an ongoing battle with her ex-husband _____ have a _____ At the beginning of the custody battle, _____ would spend a week at his mother's then a week at his father's and goes back and forth. We are afraid that Judge _____ may be abusing her power to favor the family.

_____ got _____ into the _____ position he holds in court. _____ The _____ is very wealthy and holds a lot of power

Judge _____ took over _____ case in _____ after Judge _____ stepped down from Family Court.

In early _____ came home, to _____ with several of his finger nails in bad condition. _____ was beyond concerned and asked what happened. _____ told _____ that _____ had held _____ hands down and were cutting his nails. _____ said they were cutting too deep under his nails and it hurt so bad he actually stood up and told them to stop as he cried. _____ immediately texted _____ and asked what happened and also made _____ a doctor's appointment. _____ told _____ that _____ was "_____". They had cut out the cuticle (moon) part of his nail bed with cuticle remover. Pictures of nails were taken. Not only did _____ not understand why a _____ would need his cuticles cut but she also didn't understand why it was done so cruelly. _____ lost three of his nails.

On _____ filed for modification of legal decision making, parenting time, child support, and to hold _____ in civil contempt. On _____ the court did not find grounds showing the child will be "_____ " if an order was not issued before the petitioner could also be heard. The court had also reviewed _____ petition for modification of legal decision-making, parenting time, child support and for civil contempt. The petition requests _____ be granted sole legal decision-making and parenting time, that _____ pay child support, that _____ be found in civil contempt for his failure to maintain insurance for the child, and that _____ pay all attorney's fees and costs. A resolution management conference was set for _____ before Judge _____. It was also ordered to set an evidentiary hearing under Rule 47.2 of the Arizona Rules of Family Law Procedure, to address temporary orders regarding legal decision making and parenting time for that same date.

On [redacted] filed a petition holding [redacted] in contempt and to modify legal decision making, parenting time, and child support.

On [redacted] the court denied [redacted] emergency and Ex Parte petition, set the trial date and deadlines, including preparation of joint PTS. The court also set a hearing on petition to hold [redacted] in contempt for [redacted] had asked [redacted] to move around their court-ordered parenting time in the summer so that he could take [redacted] on a cruise outside of the country. [redacted] would need to get [redacted] a passport with consent. [redacted] denied [redacted] request because she already had their annual summer vacation planned during the exact time that [redacted] requested. [redacted] knew about the vacation since it was a yearly occurrence. [redacted] was holding [redacted] in contempt because she failed to fill out the documents for [redacted] to get a passport.

On [redacted] Judge [redacted] granted [redacted] petition for contempt and awarded [redacted] attorney fees and costs without allowing [redacted] the right to defend herself.

On [redacted] attorney, filed Notice of Lodging and an application and affidavit for attorney fees and costs, seeking \$ [redacted] did not understand why the attorney fees and costs were so expensive since [redacted] was only awarded that which pertained to the passport. On [redacted] filed an objection since the costs included the vacation issue that was precluded. On [redacted] the court responded with OAH and an order awarding the \$ [redacted] that was already filed and signed by the Court on the day after the application was filed, even though the court had given [redacted] to dispute.

On [redacted] it was ordered vacating the court trial on the petition for modification of legal decision-making and parenting time on [redacted] and resetting the same for [redacted] before Judge [redacted]

On [redacted] issued subpoenas for [redacted] financial and employment information. [redacted] claims he does not have an income however [redacted] knows otherwise. On [redacted] filed a motion for protective order for subpoenas. On [redacted] filed a response to the motion for the protective order. She also filed for a motion to enforce compliance with parenting time orders under Rules 91 and 91.5. On [redacted] filed a request for a hearing on the motion to enforce compliance. On [redacted] the court granted [redacted] motion to the protective order and, again, awarded him attorney fees.

Almost every other week for [redacted] (since [redacted] had been divorced), [redacted] would come home, to [redacted] would look and see that [redacted] brought [redacted] to the [redacted] was given medication to treat it. She had discovered that it was because [redacted] refused to [redacted] brought it to [redacted] attention several times with no change in behavior from [redacted] knew she would have to document the injury, like she did with fingernails, since documentation is everything in court. [redacted] entered some of the pictures as

evidence to be sealed. On [redacted] filed a motion for a protective order against [redacted] claiming sexual abuse against [redacted] for taking the pictures. On [redacted], the court reviewed the Ex Parte and emergency petition for temporary orders suspending parenting time, without notice. The court did not find that there were grounds showing that [redacted] would be " [redacted]" if an order is not issued before the respondent can also be heard. A hearing was set on the emergency petition for temporary orders suspending parenting time on [redacted] attorney, filed a motion to continue since [redacted] conflicted with [redacted] of her other cases. Judge [redacted] denied [redacted] motion to continue and told her [redacted] would just have to come by herself. The court decided that [redacted] parenting time would not be suspended, however, she is no longer allowed to document such health issues or take pictures regarding [redacted] Judge [redacted] also made sure to form her own opinion when she stated that because [redacted] took those pictures, [redacted] is more apt to be sexually abused.

[redacted] had their final hearing on [redacted] for sole custody of [redacted] gave his testimony and provided his evidence in a hearing on [redacted]. It was supposed to start at [redacted] but [redacted] had filed a Motion to Continue and a Motion to Change Judge for Cause on [redacted]. The trial didn't start until [redacted] after the court denied both motions. [redacted] did not get a chance to testify. The trial ended at [redacted] was allotted his full [redacted] and [redacted] to present his case (there was a lunch break during these [redacted] hours). [redacted] court hearing was set for [redacted] Judge [redacted] had [redacted] to go through everything from [redacted] trial, however made her decision on [redacted] immediately after [redacted] trial. She did not look at any of [redacted] evidence nor did she take any into consideration. [redacted] attorney had another hearing that day so Judge [redacted] allowed the [redacted] break to turn into [redacted]. She then told [redacted] towards the end of the trial, [redacted] that she was not allowing her to take her final [redacted] she only allowed [redacted] even though Judge [redacted] stated the minutes were justifiable. This was all recorded and a transcript was requested. [redacted] got his full time and [redacted] was denied hers. Judge [redacted] denied [redacted] the right to make a record. She failed to allow a fair and impartial trial. Judge [redacted] also told [redacted] that she would not be a suitable mother because there is no way she could be a full-time mother and a student at the same time. [redacted] lost her parenting time starting [redacted] before [redacted] first day of school. [redacted] was also awarded sole decision making. [redacted] has to ask [redacted] permission for everything. She has to ask if she is allowed to post a picture of her son on her social media, or if she can give him [redacted]. She is no longer allowed to take him to the doctor. [redacted] also had to start paying [redacted] child support on [redacted]. Judge [redacted] is aware that [redacted] was not working since she [redacted]. As I mentioned before, Judge [redacted] denied [redacted] subpoena for [redacted] employment information. How was [redacted] awarded child support when [redacted] was denied her chance to dispute his claim that he is not receiving an income?

On [redacted] again brought [redacted] to court to be held in contempt. When Judge [redacted] told [redacted] she would have to pay attorney fees and child support, even though she is unemployed, [redacted] asked [redacted] to sign a document asking that she could pay him little by little every week until it was paid off. [redacted] signed the document agreeing. [redacted] wanted to hold [redacted] in contempt that she was not paying everything she owed. Judge [redacted]

ignored evidence of the signed document and held her in contempt. Judge told if she didn't pay, Judge would have her incarcerated for as long as she saw fit.

has filed an appeal with the appellant court. appellate attorney took notice of s rights being violated with unfair treatment, especially the fact that was given an unfair trial when her time was cut short and pediatrician was not allowed to testify as an expert witness in defense. The appellant case is pending. However, the actions of Judge are still being questioned as I believe she is strongly abusing her power and favoring the

"A judge shall comply with the law, including the Code of Judicial Conduct. (Rule 1.1 of Canon 1)" I have shown on multiple occasions that Judge has shown impropriety and has been less than impartial.

On several occasions, has stated that she was shocked at Judge conduct. She stated she has never seen anything like it. I have highlighted some of the issues that has had with Judge and the Courts. There are other issues that also show bias, misconduct, and impropriety within the court. has documented everything since she has been at the losing end of every case. She requested transcripts from every hearing. is terrified she had her son taken away from her simply because she didn't stand a fair chance. I ask that Judge actions be evaluated.

Respectfully,