

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-293

Judge:

Complainant:

ORDER

January 13, 2021

The Complainant alleged a superior court judge displayed bias, stated “no one here gets what they want,” failed to allocate sufficient time to court hearings and allow cross-examination, and made several improper rulings 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 member Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 13, 2021.

From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>;
Subject: Review of Judge - Confidentiality Requested

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HONORABLE

Request for confidentiality and sharing anonymously for review. I am scared to share this if my name is shown but also am sure that the judge knows exactly what my case is and who I am, as my case sticks out on a few points. I am sharing my experience and opinion as mother and the public and on behalf of many families.

Review of [redacted] who was [redacted] and added to my Family Court case as first assignment of his duties. My case is high conflict, and I am writing to share some facts that he ignored and overlooked. I request my name to remain ANONYMOUS and CONFIDENTIAL. This will be lengthy, but needed. The consequences of a judgement affect the children for their lifetime. I am very sad that Family Court is so expensive, unjust, and by far not in the best of interest of children, but in the best interest of who has most financial resources. Judge [redacted] was aware of my low income and still did not hold my co-parent responsible to stop him from his behavior towards me including ruining me financially. To judge a woman based on what many other women do or think, is bias. Judge [redacted] was biased towards me and had a difficult time with a large amount of reluctance to admit when I was right. I am [redacted] and my co-parent is [redacted]. I feel the judge tried to push bias aside by trying to side with the [redacted] father to avoid the appearance of discrimination. At the same time, I was treated like a woman that does not deserve justice. All the while, I presented well-mannered, disciplined, followed the order to the T, and followed advice. Many legal aspects that the father failed to do and who had his attorneys do as he said, were ignored by the judge and no one was held accountable. My co-parent's attorneys should have been held accountable by the judge, which is part of his duties. I should have been reimbursement for misconduct by officers of the court. Even the opposing attorney should know when to not step up against the co-parent. Yet, they were clearly paid very well and hence did as they pleased. A judge can easily see when attorneys don't care about clients' rights, and the judge was in it. This needs to stop, with all due respect. The way children are treated in family court is beyond me. Where is the justice in family court when only money can do justice when a client is able to afford an attorney? Please read the details below for a much better understanding. My request is to remove Judge [redacted] as judge. A biased judge should be an attorney only. Putting new judges on family court, is not acceptable when the judge treats family court like criminal court and tries to combine this with that, and subsequently no one has an idea of what is correct to do. The lack of education on family court judges ruins families and children's futures.

I must speak up. My review on the [redacted] was removed a day after posting. I find that interesting. We are the people, and the public, and we also should have a say in who judges over our lives and how. Judges need to listen. Family Court needs reform and completely different approach so that both parties can be heard. Suggestion: make it a day of hearing. All sides get to talk and share. Proper time slots that give a much better idea to the judge. Behavior, demeanor, complete stories and facts are of utmost importance. Why are judges [redacted] and [redacted] ? That is not fair and ruins lives before a judge can be even ever

SUPERIOR COURT OF ARIZONA COUNTY

DECREE OF DISSOLUTION

Page 2:

THE COURT FURTHER FINDS that the federal Parental Kidnapping Prevention Act does not apply and that no international law concerning the wrongful abduction or removal of children applies [sic].

Page 8:

Legal Decision-Making Authority

Legal decision-making authority, as defined by A.R.S. § 25-401(3), means the legal right and responsibility to make all non-emergency legal decisions for a child including those regarding education, health care, religious training and personal care decisions. For the purpose of interpreting or applying any international treaty, federal law, a uniform code or the statutes of other jurisdictions of the United States, legal decision-making means legal custody.

Page 12:

Father may also choose to exercise either [redacted] or [redacted] block outside of Arizona. He may travel anywhere (including internationally) with the children if he so chooses as long as he provides a complete itinerary within 30 days of departure and provides daily phone calls between the children and Mother for at least 10 minutes each. If he chooses to exercise this non-Arizona time, then Mother will not receive her mid-week or weekend time. If he chooses to exercise only a portion of this summer time outside of Arizona, then the time spent in Arizona

remains subject to Mother's mid-week and weekend parenting time.

Here are my words to the above from my judgment order: the travel that the judge permitted, was to [redacted] which was pointed out via a motion to reconsider. Evidence as to why such travel to [redacted] should be restricted, was provided to the judge. [redacted] is a country known to [redacted]. They call themselves "[redacted]". My situation is high conflict, which is also noted in the evaluation by [redacted] and the court order. My kids and I are the victims of Domestic Violence, also known to the judge. Support letters and laws and stories of parents that went through that knowing the risk to travel to countries is high, were ridiculed by the judge as "[redacted]". All while it was shared with the judge that [redacted] has a Human Rights problem (according to judicial family law for Arizona, this MUST BE CONSIDERED!) and a problem of international parental kidnapping. The annual report by the [redacted] was shared with the judge and the numbers of [redacted] shared as well. Yet, the judge ruled shouting the parents that the children better return. The issue with that is, that children cannot be extradited or returned in any way from [redacted] (despite belief that this is not a problem when it has one the worst humanitarian crises in the world with also around [redacted] on top of that). This is well known. The father of my children is a risk and proved to be non-compliant prior to the divorce trial already. He has been in contempt of court prior to the judgement decree being issued, and that was also brought to the judge's attention. I am very upset to this day, and I know I have to share this because if I don't then who will? Most people don't know anything about court because they depend and trust that all goes correct. But it does not.

At what point did the judge ever see that this co-parent was a problem? Ever? If so, then not act? If not, then why not? Isn't that the job of the judge?

Instead, he considered me the problem when it was noted in the [redacted] judgment that I "[redacted]" with passports. That was never true. The judge was not interested in any details and never referred to any evidence and statements provided. He took most information at face-value. What a misconduct. All the work done; all the money paid; only for the judge to take a glance if any on the information submitted. That is my impression and always was. This is evident and I request that be considered for his removal from the bench.

This judge said "[redacted]" as the first thing upon entering the court room in [redacted]. He knew upfront that he will not care at all about anything we have to say. So, why did the trial take place? Why did we submit evidence? How many other families heard exactly those words in his courtroom? Now he is in [redacted]. Respectfully, how can that be? Will a murderer get away with murder? Will an innocent person be prisoned? His words were traumatic and show bias and no interest in justice, expect his own judgment to be the one and only.

The judgement was provided the next day already and added to the docket after the weekend when I received it. The evidence was overwhelming, and he added pressure on me to give up spousal support to which I was entitled. I had waived other things in good faith, but not spousal. This judge was biased against me, the mother.

The judge knew that the father failed to provide the car title timely and still did not make note of that failure in the judgement decree. That problem caused by father caused me to purchase a new car. The judge was made aware of that and yet knowingly granted me the previous car that was no longer in my possession. How is that even possible? The father should have been held in contempt (because the judge ordered him [redacted] before to hand over the title to the care, which the father failed to do timely and the judge was informed of that).

Further:

International Parenting Time and Border Travel

International parenting time and travel have unique challenges. Children may leave the county without restriction but must have proof of citizenship to return. The parent that have [sic] the child most of the time is responsible for safeguarding passports and visas. The parent with less parenting time should maintain copies of important travel documents. Remember that if a person younger than 18 is traveling alone or with only one adult, a court order or certified consent letter proving that both parents permit the trip should be carried.

HONORABLE

IT IS ORDERED that Father shall maintain the children's passports and provide them to Mother within 48 hours of receipt of any itinerary for international travel requiring the passports (Page 3). AND Moreover, Father now has the passports, so much of the follow-up litigation appears unwarranted. (Page 4)

This caused the father to assume he is entitled to all nationalities' passports. I disagreed and a new conflict was created for the parents. Again, the judge was aware of the situation.

Due to that and because this family has several nationalities, mother requested the judge to clarify. Instead of doing so, he simply said that " . " Why did the judge not clarify? I have a right to obtain clarification when the something is not clear. So, what does that statement mean? The parents are high-conflict and I just proved to the judge that my co-parent is abusive. Hence, the request to clarify his order was more than justified. So why pour salt into open wounds of a family that needed clarification?

Dual citizenship. I am the primary parent in Arizona with a co-parent out of state. The situation is high conflict.

I asked my consulate of The consulate confirmed with me that this court cannot rule on a foreign passport unless it is regarding custody or guardianship. This was not the case.

A litigant has the right to request the judge to clarify. The order he wrote was not clear at all. The above order to order the non-primary parent to " the passports, is a general statement. It does not automatically mean that the parent maintains all nationalities when the foreign country's rules prohibit the same.

My attorney requested a Deposition with the father. Father and attorney ensured to come up with a reason why the father cannot participate in requested deposition. I came all the way to the meeting with the father being out of state, took time off and paid my attorney. Father was asked to have internet available; and his attorney knew. The father works and I know the judge has the same thereafter. The father during first attempt to get deposed managed to pretend he has no internet at home and subsequently the deposition did not take place. Wasted money on me and refusal by attorney and client of the opposing party. It was brought to the judge's attention requesting reimbursement. Yet, he never ordered on that motion.

Further to the deposition, the father pretended to be without financial means to afford it (although he took me to court repeatedly; all vexatious litigation which was shared with the judge). That was during a time when he already worked from home and definitely had internet. This was brought to the judge's attention and a motion filed. Yet, the judge ignored my request for reimbursement and the fact that a litigant blatantly denies participating in a deposition with the help of his attorney. I should have been reimbursed and that attorney be reported to the bar. Who does still work with zeal? My time and money wasted, and we had to come back together another time. During that deposition, the father was abusive to my attorney, harassed him verbally for [redacted] Rude, disrespectful. I don't understand how such behavior is acceptable. How can a court and a judge not care how a parent during a deposition behaves when ethics in court are so important? Serving with zeal! Not only that, but a parent that looks after children should absolutely be held accountable for their behavior during any such meeting. The father always switched on his best side when needed. He behaves bad when I am around and towards anyone who supports me, from attorneys, family, friends, and so forth. Those people are considered " [redacted] ". That is in fact written by the father himself in the court documents.

In [redacted] instead of submitting essays and so forth, the father wrote yet another accusatory false and aggressive statement to the court; at that point requesting this judge to give him custody. At what point will a judge/court finally interfere and hold such a parent accountable for such actions? Do really, I as a mother and co-parent be subjected to non-acting courts? It was submitted to the court. Issue is that only if I act with money, I might get justice. This judge is not about justice. I was afraid to file anything, as he would never take appropriate action to protect my children from this father's actions with the court and officers.

I felt not protected at all by the judge but exposed to be in touch with my abuser.

The father had refused to provide finances. The judge did not care about that. The judge knowing that my income is minimal, ordered me to pay the father's travel cancelation fees back for a trip that the father canceled on his own terms, while also writing that the father could have waited a few more days. It contradicts and is unjust and biased towards me. He allowed the father to abuse the facts of the order and stipulation.

He wrote:

The evidence submitted to the court lists the exact amount which was below \$ [redacted] The father in the stand stated \$ [redacted] instead of the correct amount noted in the submitted evidence to the court, which was around \$ [redacted]. The judge took the father's word at face value. That makes me believe that if the father had said \$ [redacted] the judge would have simply noted that amount.

It is yet another point of evidence that the judge did not read evidence provided to him.

When judgements are ruled and written out within a couple days, I question whether enough time was used to think it through. I do not appreciate that I am treated as if I am irresponsible. I follow this order to the T and explained so many things detailed. I was able to prove that I was victimized as co-parent and yet the abuse was not taken as serious as it should have been. In fact, I was abused by the judge's ruling. He did not listen or care to my side of the story on the travel and the facts. The father texted me that he emailed me; but the order from [redacted] said he is not supposed to text me. I was not given time and reality was that the father canceled that trip less than [redacted] after his announcement to me and less than [redacted] after I even saw any details. My attorney told me to " [redacted] " because the father did NOT share all he

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NUMBER IN YOUR REQUEST.**