

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-309

Judge:

Complainant:

ORDER

February 3, 2021

The Complainant alleged a superior court judge entered unfair orders and displayed bias 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).

Copies of this order were distributed to all appropriate persons on February 3, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-309

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.

To Whom it be Concern:

CC: Judge

My name is [REDACTED], I filed for divorce on [REDACTED]. My wife and I separated in [REDACTED].
 Once I moved out I been helping financially helping my wife and kids, (biologically from both parents in common) [REDACTED] (never legally adopted him). I been working one full-time and other jobs that are per diem to support the family and have limited parenting time. I am filing a formal complaint due to Judge [REDACTED] decision on Temporary Orders, my wife filed because I refused to pay most of her household bills, for [REDACTED]. According to the AZ Child Support I am only responsible to pay [REDACTED] dollars a month, due to the limited parenting time I have with my daughter. My wife put a request in for Temporary Orders on [REDACTED] and there was a hearing at [REDACTED] the same day. I was at the court house earlier that day and ask for the papers my wife put in and no one told me there was a hearing. I left the courthouse and found out from a third-party there was a hearing at [REDACTED]. I was not notify or served with these papers, by law I should have been served within 5 days, if it has to do with my divorce or my Daughter I have every right to be at every court case. I left work (missing hours) and came back for the hearing and a Court employee came out and said Are you [REDACTED] yes I am. He needed to check with the Judge and make sure I can be there which I don't think that should matter I should be at every case, especially when there is a child in common. The facts are Judge [REDACTED] told me she had me there as a courtesy and to answer yes or no answers, also at the end of the hearing my wife started getting emotional and Judge [REDACTED] said to her " [REDACTED] Due to this type of Case Judge [REDACTED] bias is cloudy her judgement and has not review the case. Judge [REDACTED] order both parties to do mediation on [REDACTED]. I did not receive the Temporary Orders at that hearing. I had to come back to the Courthouse to receive those copies, the Temporary Orders are unfair and unjust. I am filing a Motion to reconsider (rule 35.1). With these orders I can't support myself and be able to support my daughter and be able to provide housing, food and everyday needs for my child.

I am attaching the orders of that Temporary Orders, also attaching letters from employers and paystubs.

If more information is needed by the Courts Please Contact me

FILED

Name: _____
Mailing Address: _____

Daytime Telephone: _____
Representing Self, Without a Lawyer

Regarding the matter of

TEMPORARY ORDER REGARDING

Petitioner _____

and _____

Respondent _____

- Legal Decision-Making
- Child Support
- Parenting Time
- Spousal Maintenance
- Exclusive Use of Home
- Attorney Fees
- Property/Debt

NOTICE: THIS IS AN IMPORTANT COURT ORDER THAT AFFECTS YOUR RIGHTS. READ THIS ORDER CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

THE COURT FINDS:

1. A sworn Motion for Pre-Decree/Judgment Temporary Orders was filed with the Court on (date) _____ by _____ The Court read the Motion, ~~it~~ scheduled a hearing and took testimony as appropriate, [] determined that testimony was not required, considered all relevant matters, and issues a Temporary Order as follows.
2. This Court has jurisdiction to enter temporary orders based upon _____ and has jurisdiction over the parties under the law. Where it has the legal power to do so and where it is applicable to the facts of this case, this Court has considered, approved, and made Orders relating to the above matters.
3. This Order is in the best interest of the following child(ren) who are covered by this Order because:

Name: _____ Date of Birth: _____
Name: _____ Date of Birth: _____
Name: _____ Date of Birth: _____
Name: _____ Date of Birth: _____
4. **Legal Decision-Making.** If legal decision-making is ordered, these are the specific findings required by law.
[] Sole legal decision-making specific findings: _____

cc: Petitioner - Provided In Court
Respondent - Provided In Court

Joint legal decision-making specific findings:

5. **Parenting Time.** If parenting time is ordered, these are the specific findings required by law.

6. An order for child support spousal support medical insurance is appropriate and based upon the inability of the receiving spouse to support him/herself and/or minor child(ren) without financial assistance from the spouse who has the ability to pay.

Specific findings: _____

CHILD SUPPORT DEVIATION: This Court, having considered the best interests of the child(ren), deviates from the Guidelines because the application of the Guidelines is:

inappropriate or unjust because _____

the parties have signed a written agreement with knowledge of the amount of support that would have been ordered by the Guidelines but for the agreement and the agreement was entered into free of duress and coercion.

The child support would have been \$ _____

The child support after deviation is \$ _____

Pursuant to the Parent's Worksheet for Child Support Amount reviewed by the Court, the Obligor has the ability to pay the ordered child support.

7. An order for exclusive use of the home is appropriate and based upon

Primary physical residence arrangements;

Inability of the parties to reside together peaceably.

Specific findings: _____

8. An order for property debt division is appropriate and based upon

9. An order for attorney fees is appropriate and based upon

The Petitioner Respondent does not have the funds to retain an attorney.

The other party has retained an attorney.

The other party has sufficient income or assets to pay the requested attorney fees in the amount of \$ _____.

Specific findings: _____

10. Advance notice was required and was properly given _____
- Advance was not required because:
- The following irreparable injury, loss or damage would have occurred: _____
- _____
- _____
- Sufficient efforts to give notice were made as follows: _____
- _____

11. Other:

THE COURT ORDERS

1. The following medical insurance and/or costs be paid by Petitioner Respondent

2. **LEGAL DECISION-MAKING.**

Sole legal decision-making awarded to Petitioner Respondent

Joint legal decision-making awarded to both parties

Primary Physical Residence Adjustment or other Adjustments: _____

3. **PARENTING TIME.** Awarded to Petitioner Respondent as follows:

according to the terms of the Parenting Plan attached and made a part of this Order **OR**

Pursuant to Yavapai County Parenting Time Guidelines.

Supervised parenting time to Petitioner **OR** Respondent according to the terms of the attached Parenting Plan.

Parenting time may only take place in the presence of another person, named below or otherwise approved by the Court.

Name of supervisor: _____

N

Court-ordered discretionary parenting time adjustments: _____

4. **CHILD SUPPORT.**

The Petitioner Respondent is ordered to pay child support in the amount of \$_____ per month beginning _____, pursuant to the Arizona Guidelines for child support, according to the Parent Worksheet for Child Support Amount filed with the Petition. Such amount to be paid by automatic wage assignment and to be paid through the Support Payment Clearinghouse.

**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.**