

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-232

Judge:

Complainant:

ORDER

March 15, 2022

The Complainant alleged that a superior court judge improperly submitted an affidavit without a summons ordering him to do so, had ex parte communications, and retaliated against her for filing a judicial conduct complaint.

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 Denise K. Aguilar, Roger D. Barton, Barbara Brown, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 15, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-232

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.

Despite Rule 3.3 - Acting as a Character Witness - Judge _____ filed an affidavit (written testimony) claiming to know my character, without a summons being issued to him. As the comment to that rule notes, and as Rule 1.3 prohibits, he abused the prestige of his judicial office by filing an affidavit on _____ claiming that I should lose my license because of the way in which he took my son from my custody, almost _____ ago, and my reaction to the perpetual trauma I suffered throughout those proceedings. Judge _____ has never seen me in court as a lawyer and is the _____ only known witness against me in their current proceedings to place me on inactive disability status. Exhibit 1. I have many witnesses ready to testify who actually have seen my professional work; he is the ONLY one who has not and I sincerely think the _____ would not have taken him seriously had he not written on letterhead and then filed an affidavit clearly identifying himself as a judge. The _____ is proceeding against me now because _____ made sure to identify himself as a _____ Judge. His reference in his paragraph 4 is to a pleading from _____. Yet, he did not file his affidavit until _____

Judge _____ recused himself from my case _____ (Exhibit 2), after he filed a complaint against me on _____. Exhibit 3. It is notable that on the first page of his complaint, he admits that he learned that my ex husband filed - through his attorney - a bar complaint against me. Those are non-public, so to learn that, he would have engaged in ex parte communications prior to recusing himself from my case. On the second page of his complaint, he complains of my ex parte communication after he already removed my son from my care, even though he acknowledges his ex parte communication with the opposing party on the first page. He has not filed any complaint against that attorney for her ex parte communications; indeed he welcomed it from her when it was in furtherance of complaining about me. At the top of page two, Judge _____ notes that he feels my pleading from _____ was part of what prompted him to file his complaint against me. He says that he felt compelled to remain quiet because there were pending matters before him, but certainly could have recused himself from my matter earlier than _____ after my pleading. Instead, he apparently silently harbored that resentment against me for almost a year prior to recusing himself, while admitting that he told the Presiding Judge in my county he felt it cause for recusal. Indeed, Judge _____ inexplicably claimed he would have no jurisdiction in this case because of an appeal, yet seemed to say that he absolutely had to tell the presiding judge in my county (there are only _____ so he knows me well) that he had to recuse himself to complain. Recusal is not necessary when there is truly no jurisdiction.

It must be noted that Judge _____ filed his initial complaint against me approximately _____ after receiving the advisory letter from the Commission in _____ in Complaint _____. It is quite clear to me - because Judge _____ is not familiar with _____ - that his complaint to the _____ was vengeance for your letter being issued to him. Rule 2.16(B).

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During my custody trial in _____ Judge _____ made it very clear to me that he was aware of my complaint to you and felt the complaint was an " _____ ", though he did not specify that the " _____ " was complaint _____ for others in the room. Exhibit 4. He knew the oblique reference to the complaint was enough to erode my confidence that he would be impartial. I completely fell apart in the courtroom when it became clear that my son was going to lose his mother because I filed a legitimate complaint. Instead of the relief I had hoped the complaint would bring, it brought a series of vicious attacks and ex parte cooperation between the opposing party and the judge to try to end my career.

I was financially unable to afford transcripts when I filed complaint _____ with you because the judge illegally overturned, then severely restricted a new deferral order, as I also complained of there. I have been forced by virtue of the new _____ complaint to review the sixteen transcripts and now have additional evidence of those complaints for your consideration. I will limit providing additional evidence unless it directly addresses his _____ complaint.

One thing still at issue because of the _____ complaint is Judge _____ opinion that I unfairly took issue with gender-based rulings. I did complain in _____ that the Court demanded I provide unredacted, unreviewed records about my _____ to my ex-husband directly from providers. This was especially offensive because the court refused to state how _____ records were relevant to the custody issues, despite A.R.F.L.P 51(b)(1)(A) prohibiting irrelevant discovery. I now can provide Exhibit 5 showing how the demand for records about my _____ were completely unsupported, but viciously pursued. Of course, the court demanded no gender-based HIPPA-protected records regarding my male ex-spouse.

Earlier in that same proceeding _____ Judge _____ acknowledged repeatedly that my son was living an excellent life with both parents, was happy, healthy, and smart, and that if he were to order the psychological evaluation of me, then my ex would also be subject to one (and have to pay for both as the requester). Importantly, he repeatedly noted that the litigation was out of control and that he did not want to be the one to inflict harm on my son by ordering what he deemed an unnecessary evaluation. The words the judge repeatedly used throughout Exhibit 6 are extremely important in light of what he did to me and my son later in the proceedings.

At the next hearing (#13 in the series), Judge _____ plainly stated that he had seen the records produced as a result of all of the HIPPA releases I executed after the conclusion of hearing #12. Exhibit 7. Judge _____ specifically said "

"

I later decided, however, to file complaint _____ when Judge _____ went out of his way to encourage the _____ to disrespectfully sigh while I was speaking. At the time of that complaint, I did not have any

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transcripts to support my complaint. I have now attached Exhibit 8. Unfortunately, the transcript identifies the _____ as the opposing attorney _____ My memory of this incident, as described in complaint _____ was close, but not perfect. I thought Judge told the _____ " _____ but his comments were directed at me: " _____ " When Ms. _____ attempted to apologize to me for her behavior, Judge _____ said to her " _____ " further encouraging intimidating and frustrating conduct toward me.

After I filed complaint _____ things became dramatically worse. For example, in Exhibit 9, Judge _____ made sure the record said that I was " _____ " position twice, though that was not true. This was said by him solely to make me look utterly insane. Unfortunately, I know that the courtroom does not have cameras so that I can disprove this, but I can assure you that the court reporter could not have heard me well if I was not at a microphone (sitting or standing).

Judge _____ repeatedly told me I am a liar, before I ever testified (especially during hearing #17 and Judge _____ never allowed me to testify in earlier proceedings). Judge _____ then encouraged me, on _____ of Exhibit 9 to make a record about " _____ " but said " _____ " *In re the Matter of Solorzano and Jensen*, 1 CA-CV 19-0772 overturned a child support modification (same issue on _____) specifically because " _____

." Although Judge _____ nominally asked me to testify, hearing from a Judge determining the future of your child that he has already decided you are not credible encourages one to try to prove matters through witnesses whose credibility has not already been determined.

With regard to this particular matter, I presented certified transcripts regarding child support to dispute my ex husband's claim that the Order was entered during a period when the case was stayed. Indeed, he read into the record the prior Judge's strong criticism about his own counsel's outright lies. Nevertheless, Judge _____ somehow found that even the official court record could not possibly be truthful. He went on to make terrible written findings, claiming I " _____ " the court, was extremely mentally ill and a liar, and sent those claims to the _____ on his letterhead, then filed an affidavit claiming many of the same things without being subpoenaed. Many of the unsupported and chastised findings in *Solorzano* were word-for-word findings Judge _____ made against me, despite the transcripts clearly showing it was my ex husband's attorney who flat lied to the judge who issued the child support order. Exhibit 10 (the claim was that the order should be set aside because " _____ " filed it when the proceedings were stayed). Judge _____ then worked with that attorney to

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He littered his ruling, then his complaint, then his affidavit with allegations that I am severely mentally ill. His prior indications were that he did not even come close to believing that. It was only after I filed [redacted] that he told anyone who would listen (including the [redacted] who was not supposed to be copied) that I was too severely mentally ill to parent my son or continue my career. He added claims of fraud, lies, lack of disclosure, etc, that, again, were not at all true regarding me. They were true regarding the person he worked with on the complaint against me.

Presently, I am fighting to maintain my ability to [redacted] with a trial on those issues in one month, where Judge [redacted] is the only disclosed witness. A mandate is about to issue from the Court of Appeals, wherein that Court remanded the issue of me paying my ex husband's attorney's fees due to Judge [redacted] written findings. I am also about to go back to attempt to restore my parenting time, more than [redacted] years after Judge [redacted] took it from me and my son. For those reasons, I am choosing not to attach all available transcripts to this supplemental complaint unless requested. Just as I noted at the bottom of complaint [redacted] I have dozens of other specific complaints, the addressing of which by this Commission will help protect future litigants, especially poor, female litigants. For now, however, I need to focus on getting my son back in my life and maintaining my only source of income.

Exhibit 1

Respondent.

Affidavit of

State Bar No.

My name is _____ and I am over the age of eighteen, competent to testify, and I attest to the following under penalty of perjury:

1. I am a judge with the _____ Court. I presided over _____ family law matter in _____

Court no. _____

2. On _____ after the conclusion of a _____ bench trial held from _____ I issued a minute entry. (Under Advisement Ruling dated _____ Ex. 1.) I issued this ruling based on my review and consideration of the filings in the case, the evidence and testimony presented, and my personal observations of _____ conduct in court.