

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-270

Judge:

Complainant:

ORDER

July 7, 2022

The Complainant alleged a superior court judge was biased against him, demonstrated poor demeanor, and treated him unfairly during a settlement conference and subsequent hearings in a family court case.

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 Christopher W. Ames and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 7, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-270

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.

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Confidential Settlement Conference Complaint

Case No.

On _____ at _____ My wife _____ and I had a confidential settlement conference with Judge _____ We were separated into our respective rooms as we waited our turn. I with my attorney, Mr. _____

The reason I'm writing this complaint is that immediately upon entering the room Judge _____ accused me of ' _____ ' and threatened perpetual "supervised counseling."

The child _____ accusation stemmed from a letter I had written to my daughter explaining that I had not abandoned her. I was sent away from her via a protection order. In the letter I included both the _____ report and a copy of the protection order. After a year of only being able to text my daughter I sent a letter explaining that her mother _____ and I had the exact same story when it came to the police report. However, mom filed a protection order (yes, it was signed by Judge _____ ; but that's not the point of this complaint) wherein _____ claimed that I tried to _____ her _____ times and stated that I had joined a _____ That protection order forced me to move to _____ after having spent _____ weeks homeless following the incident for which I ended up pleading guilty to a misdemeanor last _____ .

Now that I have established the context briefly, I'll get straight to the point of this complaint. In the very first conversation with Judge _____ she accused me of child abuse. She stated that sending a letter like that to a _____ year old whose mind isn't even fully developed disparaging her mother was child _____ I respectfully disagreed when she then threatened that if didn't see that as child _____ I'd have to go through re-unification counseling until I did agree with her viewpoint and that I'd "never get out!"

I wrote that letter after a year of only texting my daughter _____ through her mother's phone as I was under the understanding that was all I was allowed to do while the protection order was in place.

I tried to explain to Judge _____ :hat if I hadn't written the letter _____ could only believe that I left and abandoned her of my own free will. I would never want my daughter to believe that about me.

Furthermore, I started to share with the Judge that often times adopted children already struggle with abandonment issues. However, Ms. _____ interrupted me mid-sentence. All I was able to say was that _____ was adopted....and then she interrupted me to say that her child was adopted.

My initial thought was that she rudely interrupted me. Shortly after, I asked myself...what does her child have to do with my case?

She actually started out the conversation about the letter asking me a hypothetical question. "How would you feel if someone told you your mother was a horrible person?" I responded by saying, "I never said _____ was a horrible person." She then asked me the same question again...not yelling but certainly with a raised voice, "Answer the question, how would you feel if someone told you your mother was a horrible person?" Again I responded, "I never said _____ was a horrible person." She then said, "That wasn't the question." And asked a third time, "How would you feel if someone told you your mother was a horrible person?" I responded, "that I would know my own mother."

Judge _____ was infuriated and continued, "Do you know what I talk about with my child?" "What would you like for dinner?" she continued, "That's it!" I responded quietly, "That sounds pretty shallow."

After she left the room in frustration to speak with the other party I turned to Mr. _____ and stated, "Wow...I wish I had a recording of that conversation."

He too was astonished and said I had answered all her questions correctly and he expressed shock that she would ask me hypothetical questions.

I also tried to share with Judge _____ that I believe it's necessary to share the truth with your child in order for them to eventually be able to process a family break up. She snarled and scoffed at the idea of sharing truth. "I hear that all the time from people involving their children in grown up affairs...let them be children!" she exclaimed.

While I can certainly see her point in the majority of circumstances; not sharing the truth with _____ would necessarily mean that she would have to conclude that I simply abandoned her.

I think another difference here perhaps is that this letter wasn't just me simply sharing my opinion. I sent the actually police report and protection order which are both documents made under oath.

I also sent a copy of the letter to her counselor, _____ at _____ so that she would have a professional to help her process the information that she'd been given.

I fully expected to attend this settlement conference and be asked if I agreed to divvy up our home's value as well as our retirement accounts. Rather, I was accused by the judge who was supposed to be acting in a mediator role of criminal behavior and threatened with perpetual counseling "you'll never get out!" Translated, I'll never be able to communicate with my daughter without supervision again!

Judge _____ ordered a trial for _____ and I am not at all confident of a fair and impartial judgement.

Isn't child abandonment against the law? Why would it be more beneficial for my daughter's mental health to believe that I abandoned her rather than that her mother lied on the protection order? Furthermore, you could only come to the conclusion that "mother was a horrible person" if you actually believe that she did in fact lie.

If the letter to my daughter can be construed as child abuse; than certainly Judge words and behavior can be construed as coercion. Why? Because if I didn't agree to spousal support and make an agreement that day at the settlement conference then I would be going to trial and running the risk of never being able to talk to my daughter unsupervised again.

I fully intend to obey every decision from the court; but I also believe I deserve a fair and impartial judge. Not only did she not given me the benefit of the doubt in regard to the protection order; which I have a feeling she signed without ever reading the police report. She has now once again...made a judgement --- pre-trial.

I believe everyone; even children, deserve to know the truth. All the information I provided I also provided to her counselor who could help her process sworn testimony.

Child is a serious allegation! Coercion is also a serious allegation! I hope that this complaint letter will be followed up with a thorough investigation.

If needed I can provide a copy of the letter written to although I believe all parties have that in their possession now. My attorney Mr. is the only witness to this discussion and I believe he will confirm the contents of this complaint.

I asked Mr. through email on ; a day after the meeting, to write down his memory of the conversation in question. His office supplied me with a link to submit this complaint but stated that they cannot advise me as to whether or not I should submit a complaint.

But seriously, what choice do I have...the judge who will be presiding over my divorce proceedings accused me of child abuse, threatened an unending re-unification process and in hind sight...may have been trying to coerce me into making an unbalanced agreement with the opposing party.

**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.**