

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-286

Judge:

Complainant:

ORDER

February 24, 2022

The Complainant alleged that a superior court judge made incorrect legal rulings and had a conflict of interest requiring his recusal in the underlying 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 Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 24, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-286

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.

Honorable Arizona Commission on Judicial Conduct:

It appears that Honorable Judge _____ may have too many cases assigned by _____ County Court, creating an inability to adequately review each case currently assigned to his care and causing subsequent danger/unnecessary damage to the minor children in these cases, which listed repeatedly in court documents as the primary focus of the family court proceedings.

The record in the case in question is well-documented; full of previous rulings, minute entries and 'findings of fact' from judge's _____ proving again and again the root cause of the conflict - the mother - whose actions repeatedly show she has no regard for this court or the orders issued by it, and that she continues to have difficulty with honesty and with placing the interests of the minor child ahead of her own. The mother in this case has been repeatedly reprimanded by prior judges for not following court orders, not supporting the child financially and perjury while under oath.

If a judge assigned a case is too busy to adequately review the record, has too many cases to review, or doesn't see value in reviewing them, those case records cannot provide that judge valuable insight - and the minor child(ren) will bear the brunt of the negative consequences arising from the negative behaviors detailed in said record(s.) In this case, unfortunately, the negative consequences have been consistently demonstrated to be caused by the mother of the child herself - and continually inflicted upon/absorbed by the only functional household of the minor child, that of the father. This blatant miscarriage of 'justice' continues to be especially damaging to the stability of the minor child's quality of life, her scheduled activities and in fact her entire future is now being jeopardized by continued injustices caused by lack of review/whitewashing the facts of the case.

The other, less appealing explanation is that the judge currently assigned carries a personal bias, favoring his prior law firm, who now represents the _____ in these proceedings. Whether caused by lack of review or bias, this judge's subsequent rulings have had the effect of de-stabilizing the minor child's only functional household - which has been provided by the father since _____ due to the mother's documented and ongoing _____ Mother's _____ have manifested themselves in her 'unconscionable' behaviors - as observed by past _____ Coordinator, and by court appointed _____ (Exhibit 1) - and as noted in the then-presiding Judge's 'Findings of Fact' (Exhibit 2.) The stability, health, safety and well-being of the minor child are being undermined by ignoring the factual history of this case, which proves definitively that the father has consistently made choices for the benefit of the child at great financial and personal burden to himself, while the mother has and continues to intentionally neglect the child's needs and well-being for her own financial benefit by her refusal to provide reasonable financial support - or even minimum-wage calculated court ordered costs, all the while maintaining a healthy budget for her _____ and enough financial reserves to hire approximately _____ law firms to assist in her deceit of this court.

2021 - 286

COMPLAINT AGAINST A JUDGE

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(5) documented examples follow demonstrating this conclusion:

1. Judge chose to proceed with hearings and issued rulings in this current case before formal service or notice of any such proceedings to father, who has borne the brunt of the mother's continued criminal behavior - which has on two separate occasions included _____ brought by _____ against the mother. When questioned by the father why there had been a hearing in the current case, before any formal service occurred, this judge's response was casual & dismissive, stating: 'well you know now' (Exhibit. 3.)
2. Judge then overturned drug test requirements - which had been confirmed and re-affirmed by prior judges on at least _____ prior occasions in this case (Exhibit 4) due to mother's repeated deceit surrounding testing protocols. _____ of clean urinalysis tests were ruled to be required before an application for visitation could be entered into the record. _____ of clean urinalysis tests were never submitted to this court/judge.
3. At great additional and unnecessary expense the father hired an attorney to bring these facts to the attention of this judge, who then ruled that (2) months of urinalysis were sufficient - without regard to the risks this posed to the stability and the well-being of the minor child. In short order, the mother then provided another _____ test, constituting a positive result, and visitation was again suspended, though not before additional negative impact on the minor child. Due to the mother's refusal to sign a 'safe harbor' release, allowing a _____ peace of mind to assist the child in emotionally processing meeting her mother for the first time after being abandoned _____ prior, with immunity, the father was forced to either A) tell the child nothing of the pending visitations with her mother, or B) risk defying court orders by attempting to explain what was happening to the child himself. The father consulted over _____ for assistance between _____ - all declined to take the child as a patient without 'safe harbor.'
4. After the aforementioned positive (Exhibit 5) urinalysis test, suspending visitations, the mother's law firm immediately filed for an emergency hearing on the matter which was granted by this judge - again at further great and unnecessary cost to the only functional household of the minor child - further reducing the child's only functional parent the ability to successfully raise the minor child, who is noted to be of utmost concern in this matter. The judge's choice to allow the hearing to proceed contradict not only his own _____ reduced order for _____ of clean urinalysis tests before visitation, but also multiple orders of greater magnitude dating back to the _____ order referenced in his own ruling.
5. Through his own counsel at the time, father filed request for legal fees related to the unnecessary emergency hearing. The formal request for fees related to the emergency hearing shows 'received' by this court or _____ but have never been awarded. Father attempted to address this at _____ hearing and again at _____ hearing, but this judge refused reimbursement of the unnecessary attorney's fees to the father, in defiance of his own ruling(s.) The economic warfare waged by the mother in her relentless campaign to destroy the minor child's sole functional household is documented very clearly in this case and these actions encourage it to continue unabated. Multiple filings by the mother in the past have been denied due to lack of sufficient cause, and she has been found responsible repeatedly for unnecessarily increasing the cost of litigation. If, for any reason, a judge chooses not to read the record, or chooses to read and ignore the case history, the stability and well-being of minor child(ren) in any given case will disproportionately suffer the consequences, as has been and continues to be in this case.

Due specifically to the ongoing damage being inflicted on the sole functional household in this case by ignoring the documented facts of the case by this judge - whatever the cause(s)/reason(s) - I request that this commission consider actions required to immediately award the father the unnecessary legal fees incurred due to the unnecessary emergency hearing, to consider actions that would benefit the minor child's sole functional household by ordering reasonable support from the mother and to her child financially, and to limit the mother and her legal teams from further unnecessary legal filings, especially while the mother refuses to pay even court ordered minimums. To take no action is damaging and irresponsible to the stability, well-being and future of the minor child.

Requiring additional hearings to argue about hearings that should never have occurred in the first place is not only irresponsible and wasteful of this court's valuable time - but places further undue burden on the minor child's sole remaining functional household. The father presented related evidence to this judge at the hearing, and was again brushed off, for a third time, so the abuse of the system by a wealthy mother and teams of unscrupulous attorneys was/is allowed to continue. Failing to curb this behavior is no different than encouraging it, which is not reasonable by any measure.

Only in fantasy can the path of this case in recent months be considered 'reasonable.' No person in our society today outside of a courtroom would define this judge's actions as 'reasonably' helpful or beneficial to the minor child - to ignore rulings of one's own colleagues and/or to refuse their firsthand experience with the parties involved. This is not behavior one would expect from an esteemed officer of the court, nor behavior in the best interests of a child who has a stable home. At least, had one.

The only remaining rational conclusion left to explain the recent path of this case is that the word "reasonable" - used throughout the history of this case - has a different meaning inside of courtrooms than outside of them. That would offer insight as to why fraud, perjury and ignoring of court orders by one party, the mother, have been allowed to continue - while the only functional household of the child, that of the father, bears the consequences. (Exhibit 7.) I do not believe that meanings of words can actually have opposing definitions, nor should any 'reasonable' person.

It may be wise to reduce the caseload of this judge in order to offer him the time necessary to gain perspective of the importance of his role. Rather than benefitting various legal firms in unwarranted and excessive billable hours - especially a judge's own prior - by requiring or allowing additional unnecessary hearings, parents that have consistently been honest with the court and acted in their child(ren)'s best interests should not be punitively impacted for the actions of an 'opposing' parent, even if it does result in a windfall for the judge's prior co-workers.

Those of us who are honest are counting on you to help all children in Family Court proceedings from being impacted unnecessarily by those struggling with mental health issues and/or a lack of honesty.

Thank you for your time,

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF

)	Cause No:
Petitioner,)	PARENT COORDINATOR'S
AND)	REPORT TO THE COURT
)	
Respondent)	Assigned to

Father provided this Parent Coordinator "PC" with a Police Report that was dated .

Father requested that this PC provide action that would allow (child) to remain in his care due to what he believed was instability and his fear that was trying to involve the police and CPS to have removed from Father's care.

Per ARFLP Rule 74 (e), the PC does not have the authority to make recommendations affecting child support, change of custody, or a substantial change in parenting time. In the event the PC determines parenting or family issues or circumstances exist that are significantly detrimental to the welfare of the child (ren) and that a change in custody or a substantial change in parenting time is warranted, the PC may submit his or her concerns in writing to the parties and the Court.

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**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.**