

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-326

Judge:

Complainant:

ORDER

June 10, 2022

The Complainant alleged that a superior court judge violated Rules 1.1, 2.2, 2.3, and 2.5 of the Code of Judicial Conduct.

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 members Colleen E. Concannon and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 10, 2022.

I am writing this affidavit to express my concern over the behavior of Judge _____, specific to case # _____ pursuant to the divorce and custody settlement of _____ and _____

I myself am not new to a courtroom setting. Not only am I divorced myself, a case with which was honorably administered within the Arizona family court system, but I have represented my employer _____ in dozens of cases and have witnessed the interactions of countless judges across many jurisdictions.

Of all the judges I have seen in a courtroom, Judge _____ was by far the most unorganized, biased, racist and misogynistic. I maintain this view for a variety of reasons along with some supporting examples. From the onset Judge _____ expressed very little concern for the fact that _____ was a Stage 4 Cancer patient, undergoing very difficult and stressful treatments. With respect to matters of custody, he acted with NO urgency when in fact every single day is precious for someone fighting a deadly disease, let alone undergoing a contentious divorce at the same time. He exhibited no empathy or compassion and made no effort to speed things along but rather did the exact opposite and scheduled out hearings many weeks apart with the custody matter still outstanding. **Rule 2.5 Competence, Diligence and Cooperation, (A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.**

To be clear, his gross negligence and inability to manage a very simple case only exacerbated _____ cancer. The additional stress, waiting, uncertainty and not being able to see her own daughter is incomprehensible.

Furthermore, I would strongly urge Judge _____ to fully educate himself on ADA and the protections it provides. He completely disregarded the fact that _____ was disabled and disadvantaged and chose to draw his own conclusions as it related to matters of whether or not she was fit to share custody 50/50. To support my observation, please note that in _____ a psychologist who testified that there is NO reason or justification for _____ to be denied joint custody with her daughter. Judge _____ chose to completely ignore Dr. _____ testimony and opted to instead sympathize with the dramatized theatrics of Mr. _____ attorney, _____ making her own false claims as to _____ lack of fitness to be a parent without any supporting facts, but rather conjecture. Upon closer inspection into the matter, you'll find that the judge and _____ attorney almost work in tandem to ensure that _____ is not able to ever see her child. Throughout this case, Judge _____ has been

proceeding with this case under this false presumption that [redacted] is a criminal or unfit to be a parent. The facts have always supported otherwise. [redacted] is college educated, not a substance abuser, nor a child abuser, and has never represented any conduct that warrants elongating custody decisions this long, particularly given her dire health. How is this behavior acceptable? And how is this not a blatant violation of her basic Civil Rights?

At the trial scheduled on [redacted] Judge [redacted] should have made his custody ruling at the minimum. Instead, in typical fashion, he chose to stall once again for reasons no rational person can explain and he unilaterally vacated a trial set for [redacted]. But what is abundantly clear is his inability and indecisiveness to make a straight forward custody decision is having direct consequences on the health of [redacted]. This is not something the state of Arizona wants hanging on their head. This is intentional deprivation of her fundamental right to her child for exactly [redacted]. Especially, during an extremely difficult phase in her life where her primary attachment bond has been taken and replaced with a price tag for a [redacted] cash bond! [redacted] paid [redacted] and made a proposed order on [redacted] after emphasizing her financial condition before the court, which the court has been fully aware of as she was provided expedited funds before the same court. [redacted] pass and the judge ignores this precious time and his JA stated in early [redacted] and again in early [redacted] that no decision has been made. A hearing at the end of the month on [redacted] and once again, no decision made! This case does not follow basic rules and procedure of family law. His actions have become observed by many as these observers have been deliberately denied to "listen" at the last hearing on [redacted], including her ADA advocate. They were all denied the right to be present telephonically in our Arizona open courts.

Lastly, if someone were to take the time to carefully review Judge [redacted] behavior throughout this case, they will find that [redacted] was given a "Pass" time and time again for violating his obligations under temporary orders pursuant to child support payments and also adhering to the temporary visitation schedule whereby [redacted] "No Showed" on several occasions without reprimand. However, when the situation is reversed, Judge [redacted] is very quick to point out any infraction or violation and imposes very strict penalties for doing so without any evidentiary hearing or evidence. **Under Arizona Code of Judicial Conduct Rule 2.2 A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.**

Sincerely,

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