

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-382

Judge:

Complainant:

ORDER

April 21, 2022

The Complainant alleged a superior court judge engaged in judicial misconduct by making improper rulings in a family law case and then retaliated against him for making a judicial conduct complaint by ordering him to pay a substantial amount of his ex-wife's attorney fees.

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 Christopher W. Ames and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 21, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

21-382

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.

Re case: _____ Judge _____ has made a devastating family law judgement that constitutes a breach in judicial conduct by not ensuring what is in the best interest of the children. young children ages _____ and _____ have had their paternal custodial time reduced significantly which will impact them both mentally and physically. The _____ year old child has _____ who is a special needs child and does not handle changes in schedules. Paternal custodial time with the father includes; meal preps, doing homework, taking walks or hikes, bonding with their father, getting tucked into bed, affection given to them, bedtime stories, camping and skiing to name a few. The father is a _____ upstanding member of the community, the boys _____ and _____ has been an inspiration for other fathers out there in how he is closely involved with his children.

In the state of Arizona where the custody is established at _____ I feel that her decision made on _____ was a colossal error in judgement. The _____ young boys quality time with their father has been reduced to every other weekend. with no weekdays anymore because of this deplorable ruling. Judge _____ is quoted as saying

Obviously, every other weekend is quite the opposite of any of those parenting plan descriptions listed .

Concrete evidence by _____ (father) to support the case against the mother _____ custodial interference and parental alienation, yet Judge _____ refused to acknowledge it or allow father to present it during the modification trial

Judge _____ went as far as preventing the father's pretrial interview request in _____ by denying a motion that would have allowed having the older son _____ to be interviewed by the court. He could collabrate the fact that the mother instructed him to runaway in _____ This would have demonstrated that it was premeditated and orchestrated by the mother. Judge _____ also prevented the revelation to the court, that on the _____ the mother was waiting in her car, down the street at a preselected time, preselected location and preselected date to pick up _____ on the father's custody time. Withholding or hindering this information was not in the best interest of both children or the court.

The father even filed a motion for reconsideration with Judge _____ that was denied in a minute entry, _____ where she is quoted "Fathers motion suggest the child may have additional information that would help Father prove his claim of parental alientation". Another minute entry from Judge _____ dated _____ stated "No request for a child interview was made at that time. Though a child interview may be of some value with an _____ year old child. The court further finds a child interview is not necessary in this case accordingly."

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Between the _____ and the _____ hearing, new information was discovered that proved the mother had picked up _____ on _____. The mother then proceeded to drive around for several hours to impede Father's ability to pick up _____ from the mothers home, and further evade police involvement for custodial interference. Judge _____ claims that the scheme was debunked during interviews. Her incorrect reasoning was simply because the _____ interviews occurred after the _____ runaway. However, the father was not aware of the "mothers schemes" until after those interviews from a credible sources including _____ voice himself. The father was contacted months after the interview by a concerned parent named _____ provided specific details and facts about the custodial interference in question.

There were multiple other custodial interferences ir _____ filed against the mother on the father's parenting time, including the mother refusing to release the children after school. On these days, exchange times were established in the _____ divorce decree. A ruling by Judge _____ on _____ resulted in the mother losing _____ overnight parenting days because of mother's interference and denying the father access to his children on his custody time. Yet none of these interferences were considered by Judge _____ in her ruling. Given the history of the mothers custodial interference violations and parental alienation, it was unprofessional of Judge _____ to not allow an interview of _____

On _____ the ruling of a change of custody has greatly impacted the best interests of the children and for the parents, including a special needs child with _____. The paternal custodial time was significantly decreased to every other weekend. An insurmountable amount of compelling and factual evidence was presented for review at the hearing on _____. It is in my opinion, that Judge _____ made a biased ruling which blatantly disregarded the facts. It calls into question whether Judge _____ actually spent time to review all of the documents submitted to the court or simply copy and pasted passages from an old _____ divorce decree.

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Attorney for Respondent/Father

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

In re the Matter of:

Case No.

Petitioner,

**~~PROPOSED~~ ORDER RE:
FATHER'S EXPEDITED
MOTION FOR MAKE-UP
PARENTING TIME AND
CLARIFICATION OF
CURRENT ORDER**

and

Respondent.

This Court having received Father's Expedited Motion for Make-Up Parenting Time and Clarification of Current Order, and good cause appearing:

IT IS HEREBY ORDERED allowing Father make-up parenting time of four overnights for both children, Saturday, and Sunday nights during Mother's regular parenting time.

Parenting time begins when school lets out for the day regardless of whether it is in-person or virtual.

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

In re the Matter of

Petitioner,

and

Respondent.

Case No.

**ACCELERATED MOTION TO
INTERVIEW CHILD WITH
CONCILIATION SERVICES**

(Expedited Ruling Requested)

Respondent, (hereinafter "Father") hereby submits his Accelerated Motion for Interview of Minor Child by Conciliation Services. Father asserts that it is critical that this Court receive information from the parties' -year-old son regarding his wishes as to a parenting time schedule pursuant to A.R.S. § 25-403(A)(4). This Motion is brought on an accelerated basis since Trial is set for

The minor child has not been interviewed in this matter. Both parents are making allegations based on statements by to them when strict evidence has been invoked. Specifically, Mother's claims include reporting to Mother that he does not want to be with Father, Father forces him to wrestle with and provides them with the same meal. Allegations Father denies. Mother's Petition, filed on

1 . was initially brought simultaneously with a Motion for Temporary Order without
2 Notice, which was denied. Thereafter, the minor child ran away from Father's home and
3 Mother attempted to get the Court involved again to eliminate Father's parenting time,
4 which was unsuccessful, *see* Minute Entry dated filed on
5

6 Father is asserting that told him that Mother promised to take him to
7 if he ran away from Father's home. Father was also informed that Mother was
8 waiting in a parking lot by Father's home for to "runaway". Allegations Mother
9 denies.
10

11 Based on these circumstances, it is imperative that have an opportunity to
12 share his opinions with this Court regarding the parenting time schedule, safety in each
13 parent's home and other hearsay statements alleged by both parties. Without input from
14 directly, the Court will be deprived of relevant information regarding his wishes.
15

16 Because courts generally decline to have children testify and A.R.F.L.P. Rule 2
17 has been invoked in this case, Father respectfully requests that the Court enter an Order
18 that Conciliation Services interview OR the Court conduct an interview of
19 in chambers (pursuant to A.R.S. 25-405) so that his wishes can be ascertained.
20

21 An interview for will allow for a thorough investigation of best
22 interest for presentation at the upcoming evidentiary hearing, which is appropriate based
23 upon age and maturity, pursuant to A.R.S. §§ 25-403 and 25-405.

24 **WHEREFORE**, based on the foregoing, Father therefore respectfully requests
25 that the Court enter an Order referring the parties' minor child, to Conciliation
26 Services. Alternatively, Father requests this Court conduct an interview in chambers

**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.**