

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-396

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Judge:

Complainant:

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**ORDER**

April 21, 2022

The Complainant alleged a superior court commissioner knowingly took action in a termination of parental rights case without jurisdiction to do so, prevented him from participating in the termination hearing, and made inaccurate, derogatory, and prejudicial statements about him in her ruling.

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.

Comp  
2021-396

VIA CERTIFIED MAIL †  
RETURN RECEIPT REQUESTED

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

Subject: Judicial Conduct Complaint against Commissioner  
Court of Arizona, County  
Case No. - Mother's Petition of Termination of Father's Parental Rights

Dear Sir/Madam,

Upon thorough and responsible considerations, I am submitting this judicial conduct complaint against  
Commissioner of the Arizona Superior Court, County.

During my professional career and working with dozens of attorneys and jurisdictions (mostly in  
behalf of my clients) I have learned to understand and respect our judicial systems. In order to preserve  
the respect and standing of our courts, there is a presumption that judges administer justice, and legal  
proceedings, in a fair and unbiased manner. In the above-noted case there have been extensive and  
consistent deviations in such judicial conduct. The specific misconduct is outlined in the SUMMARY  
below supported by a chronological Statement of Facts and its supporting documents.

The above-noted legal case relates to Mother's Motion to Terminate [Father's] Parent-Child  
Relationship, a matter greatly affecting my children, both in the short and long term. Thus, the judicial  
conduct and proceedings play a critical role on my children's wellbeing.

The unfortunate journey relating to this case begun on when the mother of my  
young sons, and currently and years old, respectively, unexpectedly served me with a  
divorce the day before our family was to return from where we recently started a business.  
I reacted to the sudden and unexpected breakup of the family in an inappropriate manner. Although no  
one was hurt, I take full ownership and responsibility therefor. My actions resulted in my incarceration,  
and the matter continues under appeal. I do expect vindication of the most serious charges, and believe  
that my sons deserve, and need, the unconditional love of both of their parents.

Although I am currently incarcerated at and this may change in the near future, my return  
address is that of my Power of Attorney, who I authorize to  
interact with this Commission with regard to this complaint.

My judicial misconduct complaint does not relate to the judicial decision or appeal in this case. It is about the breakdown in the integrity and due process governed by the Constitutional rights as well as judiciary ethics and fiduciary responsibilities.

Following is a SUMMARY supported by a chronological Statement of Facts and supporting documents. My goal is to provide the Commission with unadulterated facts to facilitate its review and findings.

NOTE: I apologize for any remaining spelling or grammatical error in this submission and the printer's vertical line defect. I do not have the ability to save this document for subsequent editing. Also, as some of the attached documents are voluminous I am only enclosing the related pages.

## SUMMARY

Following are the allegations of judicial misconduct by Commissioner Stoutner.

- A. Upon Commissioner taking over this case in (see Statement of Facts item 7. + attachment(s)), she proceeding therewith knowing, and over the Father's objections, that the Arizona Court did not have jurisdiction to proceed with Mother's Petition to Terminate (items 17.+ , 6+, 11+ and 12+).
- B. Wrongfully accusing the Father of delaying the case. The case was filed on (items 1.+ and 2.+). Comm. took over the case in (item 7.+ ) knowing the Arizona court did not have the jurisdiction to proceed with this case (items 17.+ and 11+.) She delayed the custody conference with the court until (item 16.+). The Arizona court finally got jurisdiction on (items 20.+ , 21.+ , 22.+ and 23.+), being months after the case and the conference request was filed in (item 31.e)). This wrongful and prejudicial accusation was used as one of the reasons for Comm. proceeding with a 'trial' on without the Father or his attorney present (items 31.+ , 32.+ , and 41.b)+ and c)+).
- C. Ignoring the documented ineffective assistance of the appointed counsel for Father, especially attorney who were appointed by the court without the Father's request or application therefor (items 3.+ , 13.+ , 14.+ , 15.+ , 25.+ , 26.b) and c), 29.+ , 30.+ , and 31.a)+ and b)+). In spite of these documented deficiencies, on Comm. complemented Father's appointed attorneys as being "very good attorneys" (item 28.+).
- D. Ignoring (and proceeding with a 'trial' on the fact that Father's appointed attorney admitted to not being prepared for the trial (items 31.a)+ and 41.b)+) and him not having had contact with the Father for months after being appointed and contacting him briefly only days before the 'trial' (items 26.c)+ , 29.+ , 30.+ , 31.a)+ , and 41.b)+).
- E. On denying the Father's privately retained counsel, Mr. a two week stay to prepare for a trial after Mr. was permitted to withdraw the previous business day (on (items 41.a)+ and b)+) for not being prepared (items 31.a)+ and 41.b)+).
- F. Denying the Father his right to counsel of his choice and attempting to force the Father to represent himself against his will (and testimony on ) during the 'trial' on (items 31.f)+ , 32.a)+ and b)+ , 41.g)+).

- G. Misrepresenting that the Father wanted to represent himself at the trial in total contradiction to the Father's testimony and evidence (items 31.d)+, 26.c)+).
- H. Omitting from the 'documents on the docket' exculpatory information for the Father that contradicts Comm.                    representations (items 24.+ , 26.+).
- I. Inappropriately documenting in the 'trial' minutes that Mother's witnesses, testimony and evidence were being admitted "without objection" while neither the Father or his attorney were present at the proceedings (item 32.d)+).
- J. Making inaccurate, derogatory and prejudicial statements against the Father in direct contradiction of facts and evidence (items. 41.b) to h)+).
- K. Proceeding and holding a 'trial' on                    without the Father or his counsel present (item 41.h)+), effectively, denying his Constitutional rights to have counsel and a fair trial.

In closing, I thank the <sup>COMMISSION</sup> ~~Committee~~ for its review of this complaint and appropriate action thereon.

Respectfully yours,

## STATEMENT OF FACTS

NOTE: Due to the voluminous nature of certain attachments, enclosed are those portions of the attachments that are relevant to this submission.

1. On [redacted] Mother filed, via her attorney [redacted] Esq., MOTHER'S VERIFIED PETITION FOR TERMINATION OF [FATHER'S] PARENT-CHILD RELATIONSHIP. (see Attachment 1 ).
2. On [redacted] Mother also filed MOTHER'S MOTION FOR UCCJEA CONFERENCE asking the AZ Court ("Court") to contact the Court of Common Pleas of [redacted] County, to transfer the children's custody jurisdiction from [redacted] (see Attachment 2 pages 1 and 6). NOTE: The Court did not have the initial conference with the [redacted] court (Judge [redacted] until [redacted] (see Attachment 3 ), p. 2) \* ITEM 16 BELOW.
3. Or [redacted] the Court appointed [redacted] Esq. as attorney for Father. NOTE: This appointment is done by the Court without the request by Father. (see Attachment 4 ).
4. On [redacted] Commissioner [redacted] sets an Initial Hearing for [redacted] NOTE: The Court still does not have jurisdiction to proceed with this matter. (see Attachment 5 ).
5. On [redacted] Comm [redacted] reschedules the Initial Hearing to [redacted] NOTE: The Court still does not have jurisdiction to proceed with this matter. (see Attachment 6 ).
6. On [redacted] the Court's minute entry by Comm. [redacted] states

NOTE: Father has not yet

been served. (see Attachment 1 and item 16 below).

7. "Commissioner [redacted] assumed Comm. [redacted] calendar in [redacted] as stated in the AZ Court Order dated [redacted] (see Attachment 3 ), p. 1)
8. On [redacted] Notice of Filing AFFIDAVIT OF SERVICE is filed showing Father was served or [redacted] (see Attachment 8 ).
9. On [redacted] a HEARING RESET "On the Court's own motion" reschedules the Initial Hearing (see item 5. above) to [redacted] (see Attachment 9 ).
10. On [redacted] the Court is advised that the Father has been served and the Initial Hearing is rescheduled for [redacted] (see Attachment 10 ). NOTE: The Court still does not have jurisdiction to proceed with this matter. (see Attachment ~~10~~ ITEM 17. BELOW).
11. On [redacted] the Court rescheduled the Initial Hearing to [redacted] as Father was not connected by the court to this conference, as is required as Father cannot call the Court. NOTE: Father has previously and repeatedly informed his appointed counsel, [redacted] that is is not able to call the Court, instead, he needs to be called by the Court. This is done at the [redacted] hearing by attorney [redacted] who called the Father and allowed him to participate at that conference. At this [redacted] hearing the court also states "LET THE RECORD REFLECT that this Court will attempt to conduct a [redacted] between now and the next hearing". NOTE: This is now 6 1/2 months after the [redacted] filing of MOTHER'S MOTION FOR [redacted] CONFERENCE. (see Attachment 11 ).
12. At the [redacted] hearing it is confirmed that Father wishes to contest the issue of severance, a Status Conference is scheduled for [redacted] and a Trial date is scheduled

for . NOTE: At this point the UCCJEA conference has not yet been held, and the AZ Court still does not have jurisdiction required for it to proceed with this matter. (again, see Attachment 12).

13. On the Father submits to the Court, pro se, a MOTION FOR WITHDRAWAL OF RESPONDENT'S COUNSEL (Ms. together with a letter explaining the reasons therefor, including Ms. refusal to address numerous issues including proceeding with this case in the AZ Court without it admittedly having the jurisdiction required for it to do so, which is impairing and delaying proceeding with this case. (see items 2, 6, and 11 above, and Attachment 13).
14. On the Father submits to the Court, pro se, RESPONDENT'S MOTION FOR RELIEF AND DUE PROCESS addressng the deficiencies of his appointed counsel as discussed in item 13. above, including that of lack of jurisdiction by the AZ Court required to proceed with this matter. (see Attachment 14).
15. On the court issues ORDER ALLOWING WITHDRAWAL AS ATTORNEY OF RECORD of attorney (see Attachment 15).
16. On the conference is held, as documented in the Court's order (see Attachment 3<sup>A</sup>). NOTE: This is now months since the filing of MOTHER'S PETITION FOR CONFERENCE, and the Court still does not have the jurisdiction required to proceed with this matter.
17. In this Order the AZ Court acknowledges **"Only if Declines jurisdiction or is found to be an inconvenient forum could the Arizona Court assume jurisdiction over Mother's Petition to Terminate."** NOTE: In spite of the above admission by the AZ Court Comm. has attempted to proceed with this severance action as detailed above, including scheduling a trial for (see item 12. above). The Order also vacates the Pre Trial Conference, and places the matter on the inactive calendar until (see Attachment 3 , page 3<sup>A</sup>.4 )
18. On the Court appoints Esq. as attorney for Father. (see Attachment 16).
19. Or per the Court's minutes, the case is placed on the inactive calendar with no further action until the Court responds. (see Attachment 17, p. 2)
20. On the Court, Judge holds a hearing with Father to address the jurisdiction issue. He also instructs Father to refile his PETITION FOR MODIFICATION OF A CUSTODY ORDER.
21. On Father submits his PETITION FOR MODIFICATION OF A CUSTODY ORDER to the Court's Judge SEE ITEM 24. BELOW.
22. On Court's Judge issues an Order releasing custody jurisdiction from to AZ, and transfers file to Comm. see Attachment 18, p. 7)
23. On the AZ Court assumes custody jurisdiction from as is required for the AZ Court to proceed with the severance matter. See item 17. above. NOTE: This is now months after the filing of MOTHER'S MOTION FOR CONFERENCE. This delay was NOT IN ANY WAY caused by the Father as documented above. In this Order the AZ Court scheudles a pre-trial hearing for (see Attachment 19).
24. On the Father mails to Comm. the PETITION FOR MODIFICATION OF A CUSTODY ORDER that was filed in the Court on and transfered to the AZ Court on NOTE: This certified mailing was received by Comm. on

**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.**