

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-003

Judge:

Complainant:

ORDER

April 20, 2023

The Complainant alleged a superior court judge made improper rulings in a family 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 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 Denise K. Aguilar and Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 20, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022 - 003****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.

Summary of Complaint

The above named Judge has displayed behavior, verbal constructs, and judicial actions that are deemed inappropriate, in error, unprofessional and or bias, and condescending, to include gender bias, against the Respondent, whom does not feel or perceive [her] actions are fair, equal, and in the interest of justice to all parties, as [she] has continually ruled in excessive favor to the Plaintiff, treats the Plaintiff differently than the Respondent, and openly accuses the Respondent, chastises, blames, and civilly threatens the Respondent with "jail" or "fines" for every minute attempt to explain himself, or answer her questions that are interrupted to new instructions of YES or NO answers only, and considers any response by the Respondent to be contemptuous in nature, as [she] is offended by his presence prior to court in-session, and has done nothing but berate the Respondent, even with atmospheric claims of a hostile courtroom that were not present, and went so far to instruct the court clerk to enter statements and "words" into the official record that were never spoken by the Respondent in context. [Her] conduct is unbecoming of a Arizona professional judicial officer and the administration of the law at the bar is bias and does not represent the rights and duties of the office of Judge, in respect to the Arizona State Constitution and Arizona Rules of Civil Procedure, and the administration of Family Law within the confines of the case events, experienced by the Respondent, who has repeatedly asked for fairness and be equal in all matters before the court, but has been labeled "Irrelevant," "No Basis," and "Inappropriate" in all filings to date in her court as the standard demeanor against the Respondent, for no apparent or legitimate reason.

Complaint

- Judge _____ was assigned the family case file as a Pro-Tempore Commissioner of the court.

(_____ Prior Motions) - The Respondent, after just completing mediation and adoption with a new (MOU) mutual of understanding of a new parenting time agreement, signed and adopted by the prior Judge _____ on _____ for heavy conflict and allegations of pre-Contempt Notice to the Plaintiff for Child Access violations, Parenting Time interference, Absconding with the children, Canceling visitation on a whim with no cause, and unwarranted Verbal and Electronic message attacks upon the Respondent while quarantined and in intensive care for COVID-19, as a medically preexisting high risk patient, and related abuses of the divorce decree agreement; in filing for Temp-Orders for Sole Decision-Making with an extensive attachment "C" for cause and narrative to justify the circumstances, awaiting the transfer of Judges for decision; and a Motion for High-Conflict and Mediation/Drug Testing as a 'standing order' from Judge _____ office due to prior-conflict, within seven (7) days after the adoption of the new parenting time agreement heavily construed around the Plaintiff's work schedule, was suddenly fired from her job, and the Respondent was limited to 1x a week with his _____ and 2x a week for his _____ an unrealistic sacrifice in Father parenting time, if Mother was no longer working such hours.

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Judge retained the file for less than 1 week, did not schedule a hearing, did not schedule any evidential hearing to substantiate or establish cause for the Respondent's pleadings and motions, and issued a tri-lateral full-denial across the filings with three main rulings on The Respondent's pre-Contempt filing and motion for Temp Orders with sole decision-making with "Attachment C" narrative cause was "stricken from the record with an alleged Rule 47 violation," was ruled not proper, where the Respondent had checked every applicable box and 'other' to include "Attachment C" as cause, dismissing the filing entirely. The motion for Mediation with (high-conflict counseling and drug testing) as expounded pleading for extra-ordinary circumstances was dismissed as not 'appropriate' and had 'no basis' after the judicial officer claimed [she] read and noted the lengthy file prior to rulings (obviously was not the case).

The Respondent was dumbfounded to such rulings due to the level of domestic violence, a prior judicial officer order of standing mediation for conflict, as well as the Plaintiff's prior DV convictions, a recent 'brawl' in front of the children with her in handled by Police, and the loss of employment less than 1 week after adopting the new parenting order, substantiated by events from to of endless harassment, threats, absconding with the children, withholding the children, and attacking the Respondent bed-ridden on oxygen with severe COVID-19, as deemed "Irrelevant, No Basis, and Improper." It would be suffice to say, the children's safety alone would be relevant and proper to the court, and so would a reasonable hearing to establish evidence or exhibits to protect the children from such chaos and consider the Temp Order merits as filed.

As a last effort to the contempt by the Plaintiff, the Respondent then filed a Petition to Enforce Parenting Time amidst the bizarre bias rulings, as a evidential statute hearing was scheduled for later, thus adding more time stemming from an already dated issue back to mediation adoption and subsequent failure. Unbeknown to the Respondent, the Plaintiff after properly served by the County Sheriff, and a back and forth effort to the court to obtain a waiver of service for fees from the Judge, the Respondent is a disabled man, with only one fixed social security disability low-income, was burdened with a financial affidavit and delay in-process to adhere to the petition being served, was shocked to find out that the Judge granted a hand-written extension request to the Plaintiff on at extending the hearing to another for no apparent pressing cause, without any courtesy notice to the Plaintiff who had made travel arrangements for relatives & witnesses listed to testify as filed with the court (), including from where work schedules and time-off requests were all thwarted, leaving the petition without due diligence again, with a unsubstantiated delay in hearings of timely due process exceeding half-a year in effort, for the protection and best interest of his minor children access violations alleged to the court. In utter disbelief and extreme frustration of matters regarding children and just cause for rights being infringed, the Respondent who is in poor health and adding increasing stress from the case events due process blunders, filed a Motion to Dismiss the Petition to Enforce Parenting Time on both illogical and uncommon, however at present, was dragging out to unheard of time delays of injustice.

(See attached additional pages attached, starting with Page 4 separately)

COMPLAINT AGAINST JUDGE (ARIZONA)

Name:

Judge:

(Continued Page 4 to Page 12)

On (almost a month later again) Judge responds with a scathing ruling letter / order to the Respondent, where [she] took the position as a judicial officer in personal offense on behalf of the court acting as a guardian of dignity and honor, rather than consider the obvious timetable of events and actions by the court itself upon a litigant.

In receiving the filed for a Motion to Dismiss the Petition to Enforce Parenting time, and the Respondent's illogical and uncommon reason(s), mainly due to Dr's advice of reducing substantial and emotional stress from his ailing health conditions, as was suggested retaking the matter up again following a brief period of rest in healing after barely recovering from an almost fatal COVID-19 infection, and in TOTAL utter frustration in neglect to his case events, due process, and questioned the unheard of delays and or developing bias where all rulings are either one-sided fully-favorable to the Plaintiff OR the Plaintiff is given substantial consideration in time and grace, that is not applied to the rights of the Respondent (Father), the Respondent was declared "Criminally Contempt" for his remarks and alleged inflammatory statements against the court for such delays, rulings, bias, and mistreatment of due process opinions.

Judge dismissed the Petition for Parenting Time Enforcement as a matter of right by the Respondent, but then reaffirmed the same hearing for and demanded that the Respondent appear and explain himself to the perceived 'disrespect' to the court and his choice of 'words' to describe his motion for dismissal, citing implied threats of jail, fines, or both, inclusive of a criminal statute violation where the dignity and honor of the court was at hand; however, the Respondent himself apparently, can be verbally abused, mistreated, issued bias rulings, delayed diligence and due process violations, and ultimately scorned for expecting his lawful motions and petitions to be heard of timely manner in frustration with the court.

During the hearing on rather than assess the motion for dismissal and extrapolate if there is any fault of the court and or a possible error or valid complaint in the pleadings, Judge turned the into punishment upon the Respondent (Father), and then took the opportunity to add a newly filed Petition of Division of Property by the Plaintiff upon the Respondent in-person at the same court hearing as well, with no proper service per civil procedure, with no prior knowledge, and with no proper due diligence in violation of the Arizona rules of Civil Procedure; where a live witness in attendance as the of both parties, observed the duality of different treatment upon the Plaintiff versus the Respondent openly, including condescending words, conjectures, chastisement, and demeaning constructs beratement of the Respondent's life openly, that was not legally necessary, and not the professional conduct of a judicial officer as outlined in a court setting, per AZ Supreme Court Rules of Conduct for judicial officers'.

In addition, the behavior of rolling her eyes, deep-breaths, and sighs, along with her tone and demeanor in addressing the Respondent differently, was inappropriate under the color of authority, showing and displaying a total bias position against the Respondent in inequality.

Continuing Judge repeatedly interrupted the Respondent after asking him questions in requiring answers, and then re-instructed him to answer with YES or NO answers only after interrupting him, and then ultimately cut the Respondent off verbally, and moved on, deliberately not allowing him to finish his answers to her original questions. The Plaintiff in return, was allowed to speak freely and without restriction and in open court encouragement of the judicial officer's enlightenment, that was noticeably bias instead.

Judge upon discovering that the Plaintiff had NOT properly served the Respondent via mail or personal service, as required by statute, for the newly filed Petition for Division of Property claim, instructed the Plaintiff to hand the Respondent in open court 'her filing' and then declared, the Respondent is now served. Judge then declared the parties had 5 or 10 minutes to discuss, look at the papers in the filing, and ordered to come up with an agreement, an impromptu rapid civil trial coercion dynamic placed upon the Respondent with documents he had no time to read, analyze, assess the validity, or make a position of to the court was met with "or else" atmosphere from the judicial officer. The filing for Division of Property did not make any logical sense, as the property in question, a former now in the sole possession of the Plaintiff, and had been in sole possession of the Plaintiff since separation and ultimately divorce for the better part of and the car payment was paid solely by the Respondent as part of a volunteer agreement, due to the children's was now being misinterpreted by the Judge as a \$ cash obligation to the Plaintiff from the Respondent, when the original divorce decree stated if 'such vehicle was a loss' to the Plaintiff for anticipated financial issues then (), the Respondent would 'aid' the Plaintiff (help) find an alternative used safe vehicle up to the value of \$ NOT give her \$ or buy her a \$ or any other context declaration; however, in any event, none of such circumstances were present, as the and he was current on all payments in the Plaintiff's possession; therefore, the claim that the Plaintiff sought a division of property she already had possession of, and was using, utilizing, and benefiting from including to and from the court hearing that day, was baffling, if not should have been dismissed as a matter of law, by the signed divorce decree, not reinterpreted by Judge to mean otherwise to her perception. The Respondent only agreed to continue paying the and allowing the Plaintiff to keep in her possession until such time she was ready to find but never asked for one. Judge declared a \$ civil judgement debt against the Respondent by unknown statute means and or interpretation of the law to substantiate such debt, and promptly awarded dually possession, plus the judgment upon the Respondent, in total civil trial coercion, where the Respondent was appearing to face a criminal charge of contempt, not litigate an unknown filing of division of property claim.

Judge [redacted] had initially accused the Respondent that he “

[redacted]” The Respondent attempted to explain there was many parcels and letters not received over the past Christmas holiday, including City of [redacted] official mail, appointed lawyer correspondence, and even his water bill was missing as well, and now the returned copies of division of property filings were also apparently not received; again, the Respondent was silenced and cut off by the Judge, as he stood mute while she openly blamed him without any proof thereof, then proceeded to break the law of Arizona, and continue with a civil judgement that was never properly served to begin with, to satisfy due process and civil rules of procedure in notice, as a standard in court procedure statewide.

Judge [redacted] then took up the matter of the alleged Criminal Contempt charge declared by her bench upon being personally offended by the Respondent’s Motion to Dismiss Parenting Time Enforcement; [she] then allowed the Respondent to read a written response to his motion to dismiss Parenting Time Enforcement prior, and asked the reason(s) why and or for what he was frustrated about... specifically saying, “
” alluring back to such statements that violated the court’s in dignity.

The Respondent had several pages to read pre-prepared, attempting to explain a year worth of no action and time delay frustrations with the court in prior pleadings either were no-action, dismissed or rulings against his children concerns that routinely followed the same pattern of “Irrelevant... no basis...inappropriate” bizarre rulings, in the better part of 10 to 15 mins to the best of his knowledge facing Criminal Contempt charges attempting to be in depth.

The judicial officer ([redacted]) took the time upon [redacted] finishing his statement to mock, berate, insult, blame, accuse, and even went as far as claiming the testimony mentioned in community & family service for two decades in [redacted] and how much he loved his children that was emotionally disabling from such delays and unheard-of injustices... was met with “
” She focused on how he ‘wasted the courts time by being allowed to talk for up to 20-minutes, and referred back to insulting the intelligence of the Respondent, claiming he needs to calm down, learn how to write the court, understand that [her] position was to settle matters, not necessarily understand or agree with them, and regardless of what the court does, he has no individual right to accuse the court in such a way, citing that he is not the only one with cases before the court to be heard, thus, he was not special in any way to think his matters were more of a priority than others’(paraphrased).

The judicial officer ([redacted]) then declared that the Respondent’s claim for his Mediation request and change in judge in [redacted] was false, and that the matters he was apparently “
” over, are in-fact recent events only, and where she had the file less than 30 days before [her] rulings in [redacted] stating at “ [redacted] ” did [redacted] file or seek to change a judge prior to her case assignment time frame (claiming the Respondent was lying to the court) and all other matters regarding his claims of ‘Pre-Contempt Notice and Motion for Temporary Orders’ filings were also filed in the ‘same recent time frame,’ and continued to berate the Respondent of the facts, the way [she] saw it, but was incorrect in her findings.

**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.**