

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-037

Judge:

Complainant:

ORDER

December 26, 2023

The Complainant alleged biased and improper rulings by a superior court judge hearing 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).

Copies of this order were distributed to all appropriate persons on December 26, 2023.

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

FOR OFFICE USE ONLY

22-037

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.

A while Ago I submitted a complaint against this same Judge. It's unfortunate I find myself again writing another complaint regarding the same matter. My faith in our justice system is entirely gone and I'm not sure there is any way I will ever have faith or trust in this system again. This is because for the past almost past _____ years I have been involved in litigation and have had my constitutional rights violated, been discriminated against for a disability that is medically documented stemming from years of domestic abuse, I've been forced to watch helplessly as my child is abused and nothing is done, told by this judge reporting such incidents to the police and _____ were not warranted, said to not be credible as to the abuse allegations, I have had mv character and integrity questioned, called an unfit parent, and kept from my child for nearly _____ years, and only being able to afford to see her _____ times in years. I have experienced bias and favoritism for the other side by this judge. Not afforded the time necessary to present my case fully and in front of an impartial Judge. The worst part is the failure of this Judge to follow the Judicial Code of Conduct, even after she was given a private written warning from this Commission based on my last complaint, complaint _____.

Her failure to follow the Judicial Code of Conduct has caused a child, my child, to be left in harm's way and further has been physically harmed due to this Judges actions and lack of impartiality. It is my belief this Judge has maliciously and intentionally said and done things in my case she knew would make it virtually impossible to ever get this injustice corrected. She has shown absolutely no concern for the safety and wellbeing of a child and lacks the humility and character to admit she made a mistake. Instead of doing what was correct, this Judge violated my due process right to be heard, again, vacating an emergency evidentiary hearing that was set. This hearing was due to an incident which resulted in the conviction of the child's stepmother for knowingly and intentionally causing a child harm, also considered child abuse. Which she found myself not credible as to my allegations of child abuse that I had been tirelessly trying to get the Court to allow me to show the proof the abuse occurring.

Nothing can be done to rectify the harm or the trauma this Judge has caused nor will there ever be anything that can make up for the _____ years I've lost of being a mother to my only child, the last years of my child being a little kid, nor will any Court or Judge fix this Judges ruling because it has already been litigated. As such it prevents me from being able to show that the orders entered were made by a biased Judge with malicious intent.

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Judge _____ point blank lied to the _____ Commissioner in open court, further withheld vital information although the _____ Commissioner touched base upon a child protective order which was already in place, intentionally had the incorrect dates of a hearing sent to me so I would not be present although the out of state attorney and Commissioner were given the correct date and time, allowed an attorney **not licensed in this state** to file and participate in said hearing, has contradicted her own rulings to make it as difficult and impossible for myself to fairly be heard, gave the other side legal advice in open court. answered questions for the other side in the very limited cross examination she allowed, the _____ committed perjury as to how she interviewed the child, and released my address to the person I have an order of protection against. She never read anything that was filed by me or my attorney and would deny every motion filed by myself or my prior attorney. She allowed backdating of documents, there is a filing and exhibit that was once on the ECR which is now gone and that proved my first attorney broke attorney client privilege, the _____ in my case is not certified as a social worker in the State of _____ as required by the administrative orders to be on the court roster. It is my belief that there was ex parted communications that took place as the comments made by opposing side in Court are not found anywhere on the record of such being said by the _____. I will show the Commission the very suspicious things on the record that have led me to these beliefs, but I cannot investigate further in my suspicions because I do not have access to the information I would need. I do not make these allegations lightly and I would not believe this if I didn't personally experience this myself and there is undeniable proof malicious misconduct has occurred.

1. A filing was back dated in this matter for the opposing side. If you reference exhibit one the filing shows the document was stamped as filed on _____. Which was the filing deadline for the exhibits to be filed before the temporary orders hearing that took place _____. However, I would like to now reference the last page of the document where it was notarized. The notary stamp shows this document was signed _____, in the state of _____. How can this have been filed in _____ specifically the _____ County _____ Court the day before this filing was ever even Notarized in an entirely different state? It can't it's impossible for it to have been filed on _____. Meaning someone back dated a filing to the exact date that one would've had to file this for it to be used according to the Rules of Procedure for the upcoming hearing. That is fraud and a misrepresentation of when it was truly filed. Also, it would've barred the use of what was contained in the filing from the hearing on _____ because it was not actually filed by the deadline per the Family Rules of Procedure.

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2. Next is the missing filing which has disappeared from the ECR and record entirely. One needs to reference the case number _____ as it was under this case the filing disappeared. If you reference exhibit two it shows a motion that was to have an exhibit attached to it. Further the document was filed twice and showed up twice in the ECR. The exhibit that is missing from this filing had the email which proved my attorney at the time broke attorney client privilege with opposing counsel. When I let it be known what I found it disappeared altogether. No one can seem to find this missing exhibit that is/was part of this filing. Further, the billings from the opposing side, Exhibit three, show there were multiple calls regarding this filing during this time period. It shows there was a stipulation for the dismissal of the OOP and a joint filing for the dismissal of the OOP. However, only one is now showing on the ECR not both. Someone has tampered with the record in this matter, and it would seem this wasn't the only time because of the back dating of a filing for the opposing side.
3. Judge _____ felt the need to mention the complaint I filed during a status conference on _____, before the Commission had issued their findings regarding my first complaint. I was the only person who was aware of the complaint, I had not informed my attorney I had filed one, I was waiting for the outcome of the complaint before deciding if it needed to be mentioned. This was because in Judicial Advisory opinion 98-02, Exhibit Four, states just merely filing a complaint against a judge is not good cause to require the judge recuse. Until there is a finding of merit/truth to the complaint would it bring up the need to recuse because litigants would use the complaint process to "Judge shop". At the time of the status conference, it was premature and irrelevant because the Commission had yet to issue their findings. Exhibit five is the transcript of the status conference on _____ with Judge _____ informing all parties of the still pending complaint,

Judge _____ : “

(_____):

Judge _____ (_____):

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If Judge _____ felt the need to mention the complaint when no party had mentioned it, further the mention of recusing herself at that time, one could conclude she herself knew that her impartiality could be reasonably questioned. Yet she felt that stating she had no ill will towards me is enough to prove she could remain impartial. She knew at that time there was in fact merit to my complaint and the advisory opinion states that if there is merit to the complaint the judge with or without a motion from the parties is to recuse given the impartiality could be reasonably questioned by an outside party.

To dig a bit deeper into the question of whether recusal is required when there is a complaint that ends in a dismissal, but a private written warning is not specifically answered in any of the Arizona Judicial advisory opinions that are published So I sought out to see if any other state had an opinion specific to that question.

_____ answered that question in _____ with an advisory opinion which can be found under exhibit six. It states that a judge is required to recuse themselves if in fact a private written warning is issued to the judge from a complaint on an ongoing case.

Judge _____ impartiality was in fact questioned in a motion to the court because of the judicial complaint and Judge _____ ruled upon said motion herself and denied said motion. This motion is found under exhibit seven. In which Court rules state that when a judge's impartiality is questioned that nothing in the matter should proceed until a hearing on the impartiality and the basis for it are heard. However, that never happened. In fact, there are _____ instances where I tried to remove Judge _____ from my case because of her bias and actions but every time she denied it.

4. The Commission had found Judge _____ did not rule on a motion within sixty days of it being filed on the first complaint. Well, that warning went in one ear and out the other for her, she again did not put forth a ruling in a timely manner. The trial was on _____, and her ruling did not come until _____. Well past the sixty days in which it is supposed to be issued. She further allowed the opposing side additional time to file his attorney billings because he failed to correctly file the billings as she had specifically told him to do before she herself extended the deadline so he could correctly file what she told him to file the first time, and he failed to follow the instructions and submit the correct documentation.
5. Judge _____ has consistently contradicted her own rulings or orders which favored the opposing side in every way. She allowed opposing side to have all his exhibits entered at one time due to time limits on _____ but when asked to admit all

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my exhibits due to time limits on _____ she ended the trial not affording myself the same privilege she had given the other side. Nor was my witness allowed or evidence vital to the case, and further very little cross examination was allowed either. All violations of due process in any court. See exhibit eight which shows transcripts of both evidentiary hearings and what took place.

6. During the _____ status conference Judge _____ limited the scope of the trial stating that anything before the time the child went to live with her father was not relevant, see exhibit nine. Yet she used something from _____ in her ruling which was well before the time period of _____ and before the _____ discovery items I had sought from the other side she said were not relevant. See attached transcripts where she limited the scope of things stating that things from back in _____ were not relevant. Further the _____ item was an unsubstantiated allegation of abuse against myself yet Judge _____ will use that in her ruling to justify the complete removal of myself from my daughter's life but the **unsubstantiated claims against the other side** were not even mentioned and those were the reason the court was petitioned to modify in the first place. She knew of the pictures that existed of my daughter yet did not allow them to be entered in at trial or allow them to be entered when requested to reopen the record as they were also part of the original petition in which she state at the see exhibit nine, that we were limited to the things listed in the original petition to modify. She shows great favoritism because if she's going to use a _____ -year-old unsubstantiated finding against me in the ruling then she should also use the unsubstantiated findings against the other party which were the primary reasons for the modification filing in _____. Further the allegation from _____ was never mentioned by the other side nor was it ever even part of litigation by either side. Which further shows the clear bias of this judge. The unsubstantiated claim against myself had positive remarks as to my parenting abilities and that my child and I were closely bonded. Yet the reports against her father stated that something bad happened to the child in _____ and further that the child disclosed sexual abuse. Which the pictures the judge intentionally blocked from being allowed on the record at all gave merit to the child's disclosure to _____.
7. Judge _____ gave the opposing side legal advice in open court and informed him what he needed to file and what he should be putting in the filing to the Court. Exhibit eight has the transcripts from the _____ trial. This is clear favoritism as when I was without an attorney during the _____ status conference, see Exhibit ten, when I asked about resources because the case seemed a bit one sided given my rights were

**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.**