

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-173

Judge:

Complainant:

ORDER

April 5, 2023

The Complainant alleged improper legal decisions and lack of diligence 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 April 5, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

22-173

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.

Please see attached.

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Please see attached.

RE: Judicial Complaint against Judge _____ of
Court Division _____

Case: _____

Filed by: _____

Dear Sir/Madam,

I am submitting this Judicial Complaint against Hon. _____ because I believe her to have violated the Arizona Judicial Code of Conduct with regard to Rule 2.2 pertaining to Impartiality and Fairness.

On _____, I filed a petition as a Third-Party Intervenor in _____ Superior Court case _____ vs. _____. The petition I filed requested the establishment of In Loco Parentis Legal Decision-Making rights as well as Visitation regarding my stepson, _____, who was _____, almost _____ at the time. His father and I were divorcing through the Superior court of _____ and I believed the boy to be at risk of suffering emotional and potentially physical abuse should custody remain with his father after our divorce. I had been _____ primary caretaker since _____ and _____ had lived in _____ with his father and me from _____ until _____, when overnight and without warning, _____ removed _____ from our home and sent him to live with _____, the non-custodial parent in this case, who lives in _____.

The petition I filed contained over _____ attached exhibits, ranging from police reports to medical records to text message exchanges and emails between all parties, which I planned to present at the time of an evidentiary hearing. During the Resolution Management Conference held on _____, Judge _____ saw it appropriate to allot _____ total for the evidentiary hearing to address the petition and she scheduled the evidentiary hearing/trial for _____. I had requested _____ and was abruptly denied in open court. Judge _____ stated on the record that since there were three _____ parties to be heard, each party would receive _____ to present their portion in its entirety.

During the hearing, which had been postponed to _____, Judge _____ accepted pieces of evidence into court records and stated on the record that she would review them, yet at the end of the hearing on _____, she issued a bench ruling, finding against me. Additionally, Judge _____ stated that she did make a finding that I had met the requirements to

be found In Loco Parentis to the minor child, yet declared the remainder of my petition to have been made in bad faith because I hadn't been able to meet the burden of proof during the she had given me that day to make arguments and question the other parties to the case.

The case history prior to this last Motion, included a Court-Appointed Advisor's report from and comments from Hon. also in , regarding issues of repeated, willful, exposure of by his biological mother (, the Petitioner) to domestic violence and physical child abuse, which had led to Judge decision to remove the minor child from his mother's physical custody and place him with myself and his father) in . There had also been an accusation of marital rape made by against during the initial divorce proceedings, and again during custody proceedings in , which had been ignored previously due to lack of evidence. When I addressed this accusation during the evidentiary hearing on testified, " .” She equated her repeatedly accusing of having tried to rape her as “ ” that no longer existed. This accusation, as well as multiple police reports provided to the court in and in , indicated a significant history of engaging in violent relationships which could put at risk of harm, and showed a significant history of domestic violence between the biological parents – which was one of the main reasons why I was requesting In Loco Parentis custody and visitation rights. My petition in also detailed incidents where I had been a victim of domestic violence during my relationship with , which included our marriage, and included copies of text messages containing abusive commentary from to me, as well as photos of bruises to my arms that were left by after physical altercations. I also included a copy of a temporary restraining order I had obtained against , issued by the Superior Court of in and a court transcript in which the judge who had granted my temporary restraining order had expressed concerns over abuse of alcohol and his mental health.

Additionally, I presented evidence regarding having attempted suicide and having needed to attend an intensive outpatient therapy program for eight in the , after which refused all therapy for until an officer of the Court in the Superior Court of instructed him that he should be in therapy continually. Yet again, Judge ignored all of this evidence, despite admitting it during the hearing, and did not address these issues.

I requested twice that the Court appoint a Court-Appointed Advisor to conduct an investigation regarding safety while in each parent's care. After the first request, Judge granted a child interview for . When the report became available following the child interview of the interview's contents, it came to light that no questions had been asked regarding feelings toward me, and made reference to his mother, , having had a drinking problem and also reference to his father, , drinking alcohol. had been diagnosed with and placed on medication in , and learning that had observed his father to be drinking alcohol, despite my knowing was on powerful

medication for his _____ was extremely concerning, and concern I brought up to the Court. Clearly the interviewer did not understand the assignment, nor understand that it was a _____. When I filed a second request regarding having a CAA _____ appointed, given the lack of depth in the child interviewer's report and lack of questions asked pertaining to the child's feelings toward me, Judge _____ took over _____ to issue a ruling on the Motion, and again denied it.

When it came to the assignment of attorney's fees, despite having been presented with Affidavits of Financial Information from both _____ and myself (_____ did not supply one, but also, _____ was the only party represented by an attorney), showing that my income at the time was half that of _____ Judge _____ stated in her minute-entry judgment regarding amount of attorney's fees awarded that she saw no income disparity, and awarded attorney's fees in totality to _____.

I also had significant issues with regard to _____ and _____ complying with discovery requests, and doing so in a timely manner per ARFLP Rule 60, which I believe to have also affected the outcome of this case. Both _____ and _____ submitted their discovery responses late by mail, and also initially submitted their responses electronically, while also claiming they had the right to extend their statutory deadline by _____ "_____ despite that not being the method they used for submission. When the exhibits were received _____, they were received several days after the deadline as it was. While _____ attorney and I were able to meet and confer regarding _____ objections to discovery, _____ refused to return any of my phone calls or emails requesting to set up a time to meet and confer.

I filed proper and timely Motions to Compel and a Motion to Continue, per ARFLP Rule 65. Judge _____ took over _____ to rule on the Motion to Continue, denying it and running up until _____ prior to the date scheduled for the evidentiary hearing, never ruled on the Motion to Compel filed against _____, and denied the Motion to Compel filed against _____ despite his not having complied with the discovery requests I had made.

Judge _____ chastised me in open court toward the end of the evidentiary hearing for having been unable to obtain any recent records pertaining to _____ or his _____. However, by refusing to rule on, and denying, my Motions to Compel, Judge _____ essentially tied my hands, as I could not legally gain access to those records outside of the discovery requests I had submitted to _____ and _____ – requests which were submitted legally and in a timely manner, and which were ignored seemingly with the blessing of Judge _____.

From the outset of being assigned to this case, and with regard to the In Loco Parentis petition filed, I feel Judge _____ rulings reflected an unfair bias against me, which I suspect was due to my appearing pro se. Had I possessed the funds to do so, I would have appealed Judge _____ decision, but it was clear from Judge _____ actions that Judge _____ intended to put me in a financial position in which I would be unable to afford the costs of appeal. While Judge _____ was moderately forgiving with regard to procedure during the evidentiary hearing as I was

**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.**