

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-255

Judge:

Complainant:

ORDER

April 12, 2023

The Complainant alleged improper and biased 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).

Commission member Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 12, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022 - 255****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.

My _____ reported sexual and physical abuses from her mother. This was reported to police and _____ who all personally informed me not to hand _____ over to her mother until everything was cleared up. I was informed that her _____ (different father) had also made reports to _____ and police and that there were active investigations involving abuses towards _____ by their mother.

This was presented to judge _____ and along with mention to take judicial notice of the other _____ family court case which contained more information about the mother's abuses as well as concerns for the safety with her mother from the _____. I expressed concerns for _____ safety with her mother given the types of accusations being made and informed him that the mother has taken _____ out of the country without informing either father or the court, both of which are explicitly mandated in the court orders. I explained the various abuses mentioned by _____ and made it clear that _____ has already given her testimony regarding the abuses _____ has gone through to the _____ the police, to _____ to herapist, and has written about it in old journal entries. All of this was associated to the _____ case and explained to judge _____ but he could not be bothered to look into it. Upon finding out that I had withheld _____ from _____ mother (again, out of serious concerns for _____ safety) during a continuation hearing, judge _____ was visibly more concerned with the fact that the orders weren't followed than with the actual issue at hand and, more importantly, my child's best interests. All this despite my expressed concerns with the safety of my child, concerns for retaliation from _____ mother to my child for having spoken up, as well as concerns that _____ will run away with _____ judge _____ chose to take the broken orders personally and retaliate directly against me as a result.

Even though judge _____ mentioned on record that taking the child away from one parent complete and handing her over the other would not be in _____ best interest due to the suddenness of such a change and because it would take away meaningful parenting time for my child he instead chose to do exactly that by ordering _____ to reside primarily with _____ abuser. All of this in a blatant and direct personal attack to me for breaking his orders and refusing to put my child in danger while _____ mother was being investigated. Judge _____ went so far as to say in the temporary orders he gave that this was as punishment for breaking his orders. A punishment that punishes my child, who is innocent, and a punishment that goes against what judges have claimed to be the court's claimed objectives of keeping the child's best interests first and allowing for meaningful parenting time with both parents. His actions were blatantly personal and in no way impartial. This is reinforced by the fact the he just denied a motion for reconsideration which provided direct guidelines for which punishments can be set for being in contempt of court furthering the point that this is a gross abuse of authority.

Furthermore, various violations of court orders on behalf of my child's mother from refusing exchanges, being late for exchanges, failure to pay child support, and most recently taking our child out of the country without any notice to anyone and, instead, has chosen to ignore her offenses every time. This comes off a hypocritical by not applying law and authority evenly especially when one individual's offenses aren't acknowledge but the other's single justified offense is punished to such a degree even beyond what is expressedly possible.

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Such impartial and biased application of the law and of authority should not be allowed to continue unchecked. This time it was my case and my child, but how many others could have been irreparably affected by judge _____ actions in this manner?