

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-071

Judge:

Complainant:

ORDER

August 28, 2023

The complainant alleged a superior court commissioner exhibited gender bias and made rulings unsupported by the evidence.

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, Louis F. Dominguez, and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 28, 2023.

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

FOR OFFICE USE ONLY

2023 - 071

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.

Typed on separate paper

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To whom it may concern,

I write this statement in hopes that change will be made so that another father does not go through what I have with having Commissioner assigned to their case in family court. Since she ruled on my case I have done background and some searching in hopes to better understand the commissioner I have that ruled so poorly on my case. I found several concerning issues with a timeline:

Commissioner's wife's page shows that they started their relationship or became public with it in and right after commissioner filed emergency temporary orders for sole decision making, custody and parenting time of her children against their father in that lasted until then when I go and look when judge first started in family court it was in so just months after whatever her personal issues with the father of her child were. I was then able to locate several appeals from to present where was the judge ruling on the cases and in all of them she ruled everything against the father and only in mothers favor, this does not include the family court cases that she has ruled on that never went to appeals and I hope the commissions office can access these records to see if there is a pattern and judicial bias with gender bias that commissioner is exhibiting in her rulings unlawfully. The next thing I found is judge also married her wife in , there are many factors leading to a personal opinion on things in her life that contribute to the way she rules in family court when a judges ruling is supposed too be free of personal opinion and she is supposed to remain impartial on all matters including ruling based on evidence.

My case started when I filed parenting time, decision making and child support orders in . The opposing party was served on and after being served my son started being unreasonably withheld from me in which I then filed paperwork in for a temporary orders hearing. My temporary orders hearing was heard on by the honorable Judge where she found that I am a fit parent entitled to exercise equal parenting time and joint decision making. Judge also found that my son had been unreasonably withheld from me and that his mother and I had been able to exercise a equal parenting time schedule in the past and noted at the end of the temporary orders hearing that if it went to trial I was on a graduated plan to get parenting time due to the opposing party making claims that I would not be able to get my son to school on time and she would be looking at that and any other parenting issues between until whenever trial is if it transpired. She also ordered that me and the opposing party go to mediation.

Me and the opposing party attended a hour mediation session where I agreed to all of opposing parties demands and the result of the mediation ended with opposing party disagreeing to everything even after I agreed to all of her terms and the agreement was a parenting schedule as well as joint decision making. I then spent the next months trying to come to a rule 69 agreement with the opposing party where parenting time and joint decision making was agreed and it was extracurricular activities that stopped the agreement from going forward and opposing party decided to take everything to trial.

Trial occurred on with a new judge being appointed which was commissioner . Halfway through trial and by the end of trial it was pretty clear the judge already knew how she would be ruling based on the difference in questions being asked towards myself my witnesses and towards the opposing party and her witnesses, and the statements the judge made at the end of the trial. Commissioner had days to rule on our trial hearing and only spent days.

Her ruling came back with this below:

Parenting time: The commissioner kept the same parenting time order that gives me [redacted] days a month with a every other weekend schedule and every [redacted] even though my son had voiced [redacted] and was mentioned at court that he feels stressed from the frequent movement between the homes. The commissioner also noted that it is clear that I love my son and there was no judgement found that I was an unfit parent or not entitled to [redacted] custody. The commissioner said she based her ruling off of the sign in and out sheets that the opposing party admitted as evidence which shows from [redacted] that my son was only in daycare a total of [redacted] days out of a [redacted] year time span and the time sheets from [redacted] that show several missing and incomplete sign out sheets. She stated based on these sheets that proved to her that I did not exercise equal parenting time even with substantial amounts of evidence from temporary orders and trial that show I had my son half the time up until [redacted] which was found true even at temporary orders. Myself, my mom and my fiancé who have lived with myself and my son all throughout different time periods of my sons life have first hand experience of what the parenting time schedule has been and stated several times that drop off and pick ups occurred at parents homes rather than me always picking up from daycare or school which I have text messages and pictures with dates and time stamps of every drop off/pick or weekday/ weekend I had my son going back to [redacted] that show equal parenting. My attorney advised me a judge wont look at [redacted] text messages of parenting time and that equal parenting time was already established at temporary orders and that judged ordered trial would be moving forward from temporary orders yet judge went backwards in time going against previous orders dismissing the previous judges judgement. In the temporary orders transcripts judge [redacted] tells me what I need to show between temporary orders and trial which was getting my son to school and picking up, being proactive in medical appointments which I proved all of that. I have spent the past year and a half showing my dedication to the courts to fight for my son, have been found a fit parent entitled to [redacted] parenting time and decision making and have exercised all of my court ordered time. Commissioner [redacted] states in the final orders that it's clear I love my son and says nothing about me not being a competent or unfit parent.

Commissioner [redacted] also included statements about my fiancé and her ex husbands relationship in my final orders. She input information having no background to their relationship and put false information based on her opinion yet my fiancé and her ex husband have an amicable relationship and have a consent degree through the courts and agreements in place between them since [redacted] and the records are shown through the courts. I included text message evidence as well as the court documents disproving commissioner [redacted] false statements and completely inappropriate comments about a case that has nothing to do with my final orders. Her statements are unprofessional and disgusting for including false information into my final orders.

Decision making: The commissioner ordered joint decision making and giving final say to the opposing party stating her reasoning was that I took my son to be evaluated for an [redacted] diagnosis and made it to where his mom could not be present to participate. Yet I provided several emails showing that I spoke to his mom asking for her to agree to an [redacted] diagnosis and be involved and she continued to disagree in every email, and my last email notified her stating I would get him evaluated during my parenting time and inform her of the results since she did not want to participate. In my evidence it shows she was able to include her input into my evaluation and then went and got her own evaluation done excluding me from being able to give input even though I was willing and asked in several different emails to be

given the appointment date and time. The commissioner ignored all of this evidence that was admitted at trial and ruled opposite of what the evidence shows.

Communication: The commissioner ordered that the opposing party is more willing to allow frequent and meaningful contact. This goes against evidence submitted at trial, I submitted a recording between myself and the opposing party where mother was saying I should not have parenting time with my son and admitting to withholding him from me, and in this recording I can be heard asking for her to let me talk on the phone with my son because she was also withholding phone contact from me. From [redacted] to [redacted]. There was also text message evidence admitted that shows the opposing party unreasonably dictating parenting time to me.

Child support: The commissioner ordered that I pay [redacted] of child support towards the other party and did not include the insurance coverage that I pay and disregarded the overpayment I made to opposing party from [redacted] to [redacted] trial. The commissioner stated I did not provide evidence showing the exact amount that I pay for only my sons portion of the insurance but the opposing party also did not include that information yet the judge took the opposing parties word and included the insurance cost into the child support deduction.

Attorney fees: The commissioner ordered that I pay a reasonable amount of the opposing parties attorney fees saying she based this ruling strictly because she felt I was lying about my past parenting time which goes against the evidence that was submitted at both temporary orders and trial by both parties. The commissioner also states I made the case go to trial when that goes against evidence that was submitted. My attorney provided emails and our rule 69 agreement that was completed and the emails show the opposing party taking the case to trial even though at mediation I had agreed to all conditions and it was the opposing party who said no to everything then and with the rule 69 agreement I spent [redacted] months trying to come to agreements on.

Overall: There is clear judicial and gender bias in the ruling by the commissioner that goes against evidence submitted at the temporary orders and trial hearings. The commissioner had [redacted] days on both the trial and motion to amend to decide on her ruling and both times she ruled in less than [redacted] days. With so much evidence submitted for her to look over that is evidence that shows the opposite of her ruling I do not believe the commissioner looked over any of the evidence and had a ruling in her mind already made up. Rather than basing her ruling on facts and evidence bias came in to play along with personal beliefs. The judicial system states that judges are held to the upmost respect and standards because of the black coat they put on, United States citizens go through the court system relying on judges to be impartial, non biased, and keeping the court room rulings free of personal opinion because how else are we to feel safe with our lives and our children if judges are making rulings that are not in the best interest of a child? The fact that commissioner [redacted] ruled everything in opposing parties direction at both trial and motion to amend shows judicial misconduct and gender bias since she went against evidence and facts submitted at temporary orders and trial.

I have included the evidence from temporary orders and trial and ask that they be thoroughly reviewed. Commissioners including [redacted] should have the best interest of the child and that was not the case in my ruling and now my son is the one who continues to have to deal with the unfair and biased rulings of a corrupt justice system due to biased commissioners.

- even though I make of month fees

- adding commissioner ruled I pay the opposing parties attorney fees when I can barely afford my own on top of child support and school tuition and not allowing me to claim taxes every other year for my son.

**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.**