

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-073

Judge:

Complainant:

ORDER

September 8, 2023

The complainant alleged improper legal rulings by a superior court commissioner hearing a petition for order of protection.

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 Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 8, 2023.

2023 - 073

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.

I am deeply concerned about the outcome of my case today.

She did not consider the background of behaviors when making her decision. I was hopeful about her background in family law that she would have been familiar of tactics that abusers use during the process. I believe she is dangerous when making decisions that will impact the lives of protective parents who are trying to leave an abusive situation.

She concluded that I harassed my spouse (who has admitted to past acts of domestic violence) because sending too many one sided emails. If she had reviewed the whole story, she would have found that he was asking me questions about the logisics of seperating our lives. I left my spouse without warning after safety planning and had a lot of logistical items due to the circumstances. Normally seperating spouses can discuss these matters over the phone. Based on the pattern of DV in our marriage, I sought support for the DV I experienced with my therapist and DV advocates, and was advised to document everything. My purpose was not to harass, but to document everything. The text messages were not inflammatory but logistical items needed to seperate a household. I could not talk to him on the phone as I would have no proof. She failed to see this in context by reviewing earlier messages that explained all of messages. This was submitted in this case but she didn't seem to pick up that he asked me these questions.

She also mentioned that she didn't like my tone on some of the messages. I had recently left a year abusive marriage with an infant, whom my spouse admitted that violence would be ok to our daughter. days after I left him, he texted me that he knew I was at the mall and " ". I was absolutely terrified, knowing also that I had my baby with me and didn't want her to witness any further aggression. I had no idea how I would protect us, given that he is lbs more than me. So I cussed that time, but the circumstances of my behavior were not considered in context of the events taking place. I had very high levels of adrenaline, because that would be a normal response to a threat of physical danger and having to protect my child. How could a female with a month protect her child from a man who outweighs her by lbs. My response was an emotionally, biologically, and psychologically relevent to what was happening.

She also failed to consider that his actions were retailatory based on the timeline of events.

I believe this judges thinking has the potential to ruin the lives of children given her lack of understanding of what an abuser does to use the system to continually torment a protective parent. By granting his OOP, she essentially aided an abuser to continue to intimidate me because I called in his order of protection violations against me. He will now use this in family court to "prove" I am an abuser. This judge does not seem to appreciate how her actions can impact the life of a child I am trying to protect.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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This court date was today on _____ a.m.
I am available to send in all the exhibits as requested. i can also send in the recorded hearing.

I have sought help from DV advocates and my therapist to do everything right to protect my child and myself from abuse and can not see how a reasonable person would constitute my actions as harassment if they really looked at the context of events.

I can not comprehend how a reasonable person could not see the evidence if they looked at the whole story behind the text messages, rather than part of the messages.

While I am not concerned for myself given the OOP, as I have no desire to contact my spouse, I have a growing concern about how Judge _____ actions will now impact the future of my daughter, given the overwhelming evidence of research that shows that harm that can come from keeping a child from their primary caregiver, and the impact of domestic violence (for which he has upcoming criminal cases) on my young child. Her judgement today will be weaponized in the family court case, which is tragic.