

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-114

Judge:

Complainant:

ORDER

The Complainant alleged improper legal rulings and denial of due process 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 reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission approved sending the judge an advisory letter reminding her of the obligation under Rule 2.6(A) to ensure parties have an opportunity to be heard, and the obligation under Rule 2.8(B) to be patient, dignified, and courteous toward litigants. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton, Louis Frank Dominguez, and Regina L. Nassen did not participate in the consideration of this matter.

Dated: December 27, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring

Commission Chair

Copies of this order were distributed to all appropriate persons on December 27, 2023.

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

FOR OFFICE USE ONLY

2023-114

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 rights of the 14th Amendment of Due Process have been stripped from me. Bias to protect an Active Duty service member have been in the fore front of every hearing. I have not been giving a fair hearing at the expense of the safety of myself and my children to ignore any concerns or harm that has been done. What has been happening to me has also been occurring with others with the same Judge. As I'd prepared for this hearing it is making me relive the abuse I have experience in and outside that courtroom. My family have been living in fear as my daughter continues to come back from being with her father with a new mark or wound on her.

On _____, I received the worst email of my life from my lawyer that is any abused parent worst nightmare. I was informed that my bruiser was awarded temporary custody of my daughter from an Emergency Order hearing that neither myself or my lawyer was informed of the hearing. At this hearing they only presented evidence of a letter from _____ of him not meeting criteria to be mandated for treatment. His lawyer used this lawyer to state I was lying about the abuse in the home. I spoke to _____ and she stated the letter is against our policy and not to be used in the court system for any criminal or custody issues and it is only states they are not mandating him to treatment, but yet this was allowed in court by Judge _____. farther states that Mr. _____ should not have had access to the document as it is an inhouse paperwork among the program and the command.

His lawyer also stated that I was too disabled to take care of my daughter, yet I have a _____ that I have sole custody of that I have been taking care of since he was born with no issues or limitations. They never showed I was danger to our daughter or that she was at risk of being harm from me. Yet Judge _____ made a ruling to approve the custody. This decision has left multiple lawyers and other employees of the legal system speechless that the judge would do this with no evidence supporting this action. Not to mention there is an existing protection order with my son (a minor) on it, but this was ignored in the courtroom as well. During this week of my daughter being ripped from my arms and given to my abuser. My daughter was so emotionally upset she had to be picked up shortly after the father dropped her off at daycare multiple times, it became so overwhelming for her that the director of the daycare told the father she couldn't return until the following Monday hoping her emotions from being without her mother would settle. I mentioned this at the hearing on _____ (page 4), the judge response was to work it out but it never has changed.

On _____, I appeared at the next hearing of emergency order with my lawyer. The moment the judge sat down I could tell by her expression of disapproval she had of me. The first thing the judge says off record, "_____. This action didn't allow me to present abuse that has occurred in the home that included video footage. This immediately set a tone of bias as the other party was allowed to lie and was the only party to be able to present their evidence at the last hearing on _____ and now not allowing me to defending and state what is really going on. During the hearing my lawyer turned in our evidence and supporting documents early to include to the other party. This evidence also included a CD of multiple days of _____ following me around yelling and screaming at me while holding our daughter in his hands in front of my older son while the father ignored our daughter cries.

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The supporting documents included several documents of police reports and statements. This hearing was supposed to be in the best interest of the child yet the judge ignored crucial evidence that involved the child directly. When we went on record, my lawyer stated with hesitancy in his voice because he was unsure why the judge wouldn't look at the evidence that involves children, he then asked for a discussion in the chamber with the only parties lawyer. I could hear she didn't care about evidence against him in the chambers as my lawyer brought up the video. She later went on record to stated differently (page 2). They all returned and when back on record. The judge stated the schedule she had for our parenting time awarding him 60% and myself 40% (page 5). This clearly showing bias towards my abuser and not in the best interest of the children. I asked my lawyer why was he awarded more parenting time, he stated that's what the judge wanted. The Judge is aware that I am retired and he works so even with no evidence being allowed it still doesn't make sense that a working parent was awarded more parenting time over a retired parent. Leaving my daughter to be in daycare for longer periods at a time. And the general rule is 50/50 custody time. Another indication of bias favoring the other party.

The Judge also mentions _____ benefits as an active duty member (page 2). Disregarding and failing to ask if I had my own benefits as a veteran. And assumed he was the only party that can contribute to giving the children benefits such as health care. This bias of assumptions is a false narrative that only active duty member have benefits. When in reality, I have better benefits then an active duty member for all my children that last for the duration of my life time. Again, if this was for the best interest of the children then these questions would have been asked. At this hearing the Judge stated to be mindful of any message sent in the parenting app of _____ is on record for courts. The judge stated both parties pay 50% of daycare (page 3). This statement she will later change to suit not acting on _____ continuously messages outside our agreement and making him pay less at a later hearing.

At this hearing my lawyer stated (page 6) " _____ "

The judge response was " _____ ." Completely ignoring that my lawyer spoke on domestic violence again and speaking on property was more important to the judge then the well-being of the victims that included children.

After finally being reunited with my daughter after being snatched from my arms for no rightful reason, she returned with a body full of marks, open wounds, and hygiene issues. My daughter behavior has also had major concerns as it still continues to this day and being monitored. These marks and open wounds from the father he has never went to the doctor for medical attention and was attentional. This could have been avoided and was done on the decision of the Judge _____ refusing to see any evidence against _____ to included child abuse. Because of the abuse, my daughter shows developmental issues and signs continuously of a victim. The judge denied me of a hearing to modify child custody when she has Never looked at any evidence on why the child is in harm way. I continue to bring up even more evidence at other hearing and she continues to deny me of her looking at them.