

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-119

Judge:

Complainant:

ORDER

September 22, 2023

The complainant alleged bias by a superior court judge in his family law 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 members Denise K. Aguilar, Barbara Brown, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 22, 2023.

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

FOR OFFICE USE ONLY

2023 - 119

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.

has shown she is incompetent in the law. She is also shown that is not able to be impartial. has repeatedly denied this author due process and denied him a fair and unbiased family matter. on filed a motion for Contempt Petition Enforcement of Visitation custodial interference Temporary hearing..... refused to allow the court to hear this matter. On Evidentiary hearing was held again refused to hear the matter. As a result she pushed the matter to the court on not understanding this order physically went to the Arizona Court and paid the filing fee. had previously had requested Special action in this matter as Judge on minute entry allowed my child to be relocated to from without Addressing any parts of ARS-25-408 which is clearly and error of law State v. Bernstein 237 ariz. 226 paragraph 9 (2015) The superior court commits of law when it fails to consider applicable statutory factors. Hurd v. Hurd, 223 Ariz. 48,54 Paragraph 26 (APP 2009). Judge used for her basis the father had refused to put the child in the school that she directed him to. This is a violation of the 14th amendment and violation of previous orders by the Court

¶ 27 A.R.S. § 25- 403(A) empowers the court to "determine legal decision-making and parenting time." But nothing in the statute authorizes the court to make the legal decisions concerning a child's life. " Courts may do many things in the best interests of children, but they cannot advance such interests by exercising jurisdiction that they lack. Every power that the court exercises ... must find its support in the supporting statutory framework." Fenn v. Fenn , 174 Ariz. 84, 87, 847 P.2d 129, 132 (App. 1993) ; In re Marriage of Waldren , 217 Ariz. 173, 175, ¶ 8, 171 P.3d 1214, 1216 (2007) ("In Arizona, dissolution of marriage proceedings are creatures of statute, and jurisdiction to decide such cases is conferred on the courts by the legislature."). The court's statutorily prescribed role is not to make decisions in place of parents, but to decide which fit parent or parents shall make such decisions. Here, the court exceeded its legal authority, and therefore abused its discretion, when it ordered that Child must attend public school and receive certain medical, dental, and mental-health treatments interpreting § 25-410(A) as authorizing the court to impose a specific limitation on a sole legal decision-maker' s authority that does no more than prevent either endangering the child' s physical health or significantly impairing the child' s emotional development also accommodates " the fundamental right of parents to make decisions concerning the care, custody, and control of their children" under the Fourteenth Amendment. Troxel v. Granville, 530 U.S. 57, 66 (2000) (plurality opinion); see also A.R.S. § 1-601 (recognizing that " [t]he liberty of parents to direct the upbringing, education, health care and mental health of their children is a fundamental right" that " shall not [be] infringe[d] on" absent a compelling governmental interest " of the highest order" and only when such infringement " is narrowly tailored and is not otherwise served by a less restrictive means"). between the parents" when they disagree.Paul E., 244 Ariz. at 54 ¶ 26; see also id. ¶ 25 (" [T]he [family] court' s statutorily prescribed role is not to make decisions in place of parents, but to decide which fit parent or parents shall make such decisions." (quoting Nicaise v. Sundaram(Nicaise I),244 Ariz. 272, 280 ¶ 27 (App. 2018),vacated in part on other grounds, Nicaise II, 245 Ariz. 566)). This is not so.

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In findin the father in contempt with a right to be heard is a violation of due process. was never contempous indirect or directly as hadn't done anyting incorrcetlv. The opposing party handn't any motioned the court for any contempt charges against the but the Judge used Comptempt ruling in moving allowing the child to relocate to with mother without addressing ARS 25-408.

Father motioned the court numerous times to recuse her self from this matter as it clear she is either bias or incompetent in family law. On two occassions refused to recuse herself.

On Petitioner contacted all parties that he had rec'd a document from the Court . The Petitioner in the matter has filed 2 special actions with the Court and One with the Arizona Court

All of these filing would not be necessary if was competent in the law. It is clear she has run afoul of the law. There is also a gentlemen who has posted how he was wrongly convicted by and after dealing with her I have no doubt she not fit to be a Judge for the State of Arizona. She has gone rogue and it's time to cut her tenure. Numerous time she she denied me the ability to provide exhibits as she stated they were filed timely but procedurally something was amiss. What is clear is that she is using her authority and now law to control what is injected in this matter.

On her Office stated I would be charge for sending an email again I have not had an opportunity to be heard. I do not know what she is referring to. I ask that she be tested something just isn't correct with her. On Attorney sent an email to All parties including the Judge assistant and he was not met with any fines. Again this judge has denied this party due process and has denied to an unbiased trier of fact

Judge reprimanded Judge was publicly reprimanded on by the Supreme Court, after entering into a stipulation about her wrongdoing with the Commission. The C concluded that while the judge' s conduct " was misguided, it was not ill intentioned," and recommended that " in the interests of justice, the public welfare and sound [judicial] administration will be well served by a public reprimand."

The justices — in Case No. , Inquiry Concerning a Judge, Re: — approved the stipulation and the C' s findings and recommendations. I ask that like the Court they hold their Judges to high standards.

".....Also stipulated was that, as a new judge, she " failed to appreciate the input from the other stakeholders in the court system to the extent that she on occasion would rule in a way that made it appear she either did not know the law or refused to apply it. Although done without any improper purpose, it did have the consequence of undermining the public' s confidence in the judiciary."

is not babe in the Woods she is simply a incompetnt Judges destroying not only the conficen in the judicial but also destroying families.

This Judge cheerly is abusing the contempt authority as she is not showing due process for the party to show cause or be heard.

#³ PLEASE SEE
Evidentiary hearing
Hon.

Exhibits for Arizona Judicial Commission

First off [redacted] is aware that the Commission does not have the authority to change a Judge or to address ruling. This Judge is clearly run afoul of the law and is clearly incompetent. Arizona is huge trouble is you continue to ignore the warnings.'

1. Motion to Disqualify the Judge [redacted] as it is apparent that she can't be unbiased nor is knowledge with family law

2. Minute Entry Stating [redacted] is in contempt for. [redacted] was never found in contempt directly or indirectly. Father never had a change to show cause or have a voice to be heard. Father has a right to direct the care of his child under the the fourteenth amendment of the United States of America.

3. Due to the Incompetence of the Judge Father has had to file numerous time with the Arizona Court [redacted] special action and finally with Arizona court.

4. [redacted] Court filing.

5. Court [redacted] filing wit the Arizona Court initiated by Judge [redacted] as she did not want to hear [redacted] portion of the Petition (Emphasis added). [redacted] could not find one single instance or statue where a Lower court can initiate an Appeal so they did not have to hear a case.

6. Complaint as to the Character of Judge [redacted]. Which I have found to be very accurate. She has clearly shown an ability to go rogue. She is not good for the bench.

7. [redacted] Attorney correspondence to all the parties including no fines or admonishment [redacted] (Emphasis Added)

8. Minute Entry with fine of [redacted] to [redacted] for sending email. No show cause. No due process.

9. Judge misrepresented that father had a substantiated child abuse. Clearly father did not. Mother made false report.

COURT OF ARIZONA
COUNTY



HONORABLE

Deputy

IN RE THE MATTER OF

AND

AG-CHILD SUPPORT-
CENTRAL OFFICE
JUDGE
JUDGE

**DENIAL OF DISQUALIFICATION OF JUDGE MOTION
DEFERRAL TO ASSIGNED JUDGE THE DISQUALIFICATION MOTION OF THE
CAA**

This Court has received the pleading filed by _____ on _____, entitled
“Disqualification of _____ and _____.” A review of the _____ page pleading
along with its voluminous attachments has been completed.

_____ thoroughly details core principles that directly or indirectly address
fundamental fairness relating to the assigned judicial officer. There is no debate about those
principles. But for a judicial officer to be disqualified, the court begins its analysis with the

**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.**