

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-152

Judge:

Complainant:

ORDER

August 28, 2023

The complainant alleged a superior court commissioner was biased against him and issued improper rulings in a family law matter.

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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-152

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.

Please see attached.

To: Arizona Judicial Commission

From:

Date:

Subject:

Dear Honorable Commission members;

My name is _____ and I hope that this letter does not come across as arrogant or hateful. I am asking the commission to look at this letter and decide if they believe that there could have been judicial misconduct or biasness in this ruling. I feel as if _____ failed to look at the evidence and remain unbiased. 90% of the evidence I am including was in one of the court appointed CAA, BIA, and Judge _____ rulings. This is evidence that the courts should have had as it was provided to the courts by those people, I would not have admitted myself because of this reason. I would appreciate you indulging my argument please.

_____ did not represent the courts in a manner that was fair and unbiased. This commissioner abused her power, was very incompetent, failed to uphold and apply the law, was not fair and impartial, and was not patient or dignified.

I believe because I proposed a certain question to this judge in the first trial she disliked me for that reason alone is my belief. In the first day of the trial _____ appeared to me to be treating one side differently than the other. I was not represented and _____ was by _____. When _____ would ask _____ questions she would smile, banter friendly, and allow her time to answer and ask questions.

Judge _____ non verbal's to _____ were warm and patient, with me however the interactions were much different. Judge _____ would scoff, make huffing sounds that could be heard over the microphone, displayed negative non verbal's towards me like slouching her shoulders and bending her eye brows. Her tone was much more demanding towards me and she was less patient.

I remained polite and professional as the court report will show, I was scared and lost with her actions towards me. Finally, I asked Judge _____ in a very professional and non-offensive manner why she appeared different to me. She did not defend her position as one who believed her actions were okay, she stated “ _____.”

That statement alone proved to me that she knew she was not treating me the same. At the time that was okay, I am aware that she was probably frustrated with my questions and answers as I am not a lawyer and needed guidance, so I did not take it personal.

I will be pointing out numerous things from her ruling that are not true, in fact most of her ruling is based on un-truths or failure to review all the evidence. Judge [redacted] had numerous reports from court appointed therapist that alone should have offered her enough evidence to make her decision one would think.

Judge [redacted] ruling is based upon the case of Pridgeon VS Arizona Superior Court 1982, as [redacted] quotes in her ruling. **This law states that when a judicial officer is considering taking custody or time away from one parent that there has to be evidence showing that there has been a major change in one parents life and or the child is not safe.**

When a petition to modify custody alleges a change in circumstances subsequent to the original custody order, may the court consider events prior to the original order in evaluating whether a change of custody is required? (2) What standard should be applied by the trial court in determining whether "adequate cause" has been established by a petition for modification of a custody order so as to require that a hearing be held pursuant to A.R.S. § 25-339?

R.C.W. 26.09.260 reads in part:

(1) The court shall not modify a prior custody decree unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custodian established by the prior decree unless:

(c) The child's present environment is detrimental to his/her physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child. [emphasis added].

I have attached letters, reports, text messages, BIA reports, Judge [redacted] ruling, and CAA reports to this letter to support my allegations. I am asking the commission to notice nowhere in any reports am I accused of doing anything wrong by anyone. I am deemed by DCS, BIA lawyer [redacted], CAA [redacted] and Judge [redacted] as being mentally stable and a good provider.

It is also noted in the [redacted] report that after reviewing over [redacted] hours of reports from my daughters therapist that my daughter was thriving and happy. There is zero evidence that would make one believe that my daughter was not in a good environment with me in my home.

Also BIA [redacted] states that it would not be good for child to benefit the child in any way changing her school.

I am fully aware that the commission does not have the authority to reverse a case. Judge backed me into a sequence of corners by accusing me of varies forms of mis behavior. I believe it is important for the commission to understand that it is the job of a judge to listen, be familiar with the case, and make a ruling based on facts and to not indicate bias. Rulings and opinions should be based on evidence alone.

In I was contacted by they stated that I needed to report to there office ASAP over an investigation into my daughters mother and her husband. In a span of years this was the time I had been called about an investigation into the mother. This time had enough evidence that the complaints were based on facts. It is noted in BIA lawyers attached report that there were other investigations into in the past. Note, none of those reports were called in by me.

I arrived at the office and was told what was going on, I was horrified to find out what my daughter and her older sister had been going through. Never once had my daughter mentioned anything to me about this as I found out later she was led to believe she would get into trouble.

Alcohol and D/V had overcame the home, it is noted in numerous reports that there was clearly major issues in the home that could not be denied. **(Please note that in ruling she states that there is no proof of D/V or anger issues in the home even though numerous investigators state that there was.**

Below was taken from the report. (Report attached in full to this letter).

Below is also was reported by the CAA. (Report attached also).

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Below is content taken from BIA report. (Report is also attached).

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After the meeting with I followed their advice and filed the emergency order and Judge made a temporally ruling giving my daughter to me and placing mother on supervised visit and not allowing mothers husband to be around my daughter in any way. Judge allowed me to switch my daughters school and gave me full decisions making when it came to education or health.

Judge then assigned BIA to investigate and report back to the courts. report is attached and proves to be concerning about mother and husbands behavior.

For the next three years mother violated the court order numerous times, it is stated in CAA report, report, and Judge report. All reports are attached. Reports also show that mother had positive court ordered alcohol tests, and she failed to follow the therapy sessions defined in Judge court order to remain off of supervised visits.

Mother attempted numerous times to disrupt our lives by contacting the police numerous times stating I had kidnapped my daughter or violated the order by not letting my daughter go out of state with her. In the reports you will see that the officers did not agree with her any of those times and even stated that she was the on violating the order and she appeared to be under the influence while speaking to the officer.

Below is parts of a police report completed by

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**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.**