

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-175

Judge:

Complainant:

ORDER

October 6, 2023

The Complainant alleged a superior court judge was biased towards the other side in a 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 Barbara Brown, Colleen E. Concannon, and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 6, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-175

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.

See all documents attached

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

See all documents attached

Judge Judicial Conduct during our Family Court Case

Petitioner- (Father)

Respondent- (Mother)

We have two daughters, years old, date of birth and ,
 years old, date of birth, ,

Background: Father and Mother have been in and out of court for years this coming . Divorce was final . Most petitions and requests have been made by Father. Father threatened Mother from early on about taking the children away from her, more specifically in late when Mother was operating her own retail party business and Father falsely accused Mother of neglecting the children. Mother ended up closing her party business because of Father's threats and being afraid to lose the children. Father has continued his relentless vengeance and revenge against Mother. Mother finally divorced Father after years of counseling because Father is extremely controlling, unreasonable and punitive. Father thrives on control, intimidation, and abuses his power. Father is emotionally, mentally, and psychologically abusive. Father is a bully, harasses, and threatens to intimidate and gain control over everything in our lives.

Mother has truly done her best at navigating all the co-parenting issues, high conflict, post-divorce abuse, court, and legal abuse Mother has been put through over the years. In fact, Mother tried to protect herself and the children back in and requesting two Orders of Protections against Father because of all the abuse happening in Father's home. Mother humbly asks that you read both orders of protection in great detail about the things that led up to Mother filing them. Both orders were granted and the first one included our oldest daughter, when she was just years old as Father and his wife, were abusing our daughter. Mother's only regret is not renewing the orders of protection, allowing the attorneys to be involved and quashing the first order of protection in . Once the 2nd Order of protection was in place in , Father did not dispute or tried to fight it because the risk at losing his guns was greater than letting the OOP run its course. **Exhibit #1**

Since Judge has been assigned to our case in , Mother has felt her parental rights and the children's constitutional rights are often violated. Mother does not feel heard in this court. The right to be heard is an imperative component of a fair and impartial system of justice.

The Code of Judicial Conduct document states on Rule 2.2 that a Judge must be impartial and fair. A Judge should be open-minded and always perform his judicial duties fairly. A Judge should avoid conduct that could be perceived as prejudiced or biased.

Judge has a pattern of intentional disregard of important evidence presented in court where he has constantly ruled in Father's favor over the past years. It is Mother's belief

that Judge _____ favors Father because he is a _____ officer and gets special treatments from this court. Mother has great concerns about Judge _____ trainings, expertise and knowledge of child abuse, neglect, narcissistic behaviors, coercive control patterns, domestic violence, control issues, etc. Mother does not believe Judge _____ has the best interest of the children, which ours are now almost adults.

Judge _____ has been extremely biased, negative, hostile, and unfair against Mother in all his court rulings. Judge has been intimidating with his words and threatened to sanction Mother in some of his rulings. Mother will include some of the documentation, evidence, and exhibits for your review. Mother has more evidence and could submit anything you wish to see upon request. Judge _____ has biased behavior because he has been consistently in favor of Father, his attorney, _____ and the Court Appointed Advisor, _____. Mother questions the integrity of Judge _____ after seeing his court rulings over the last _____ years.

Judge _____ has not maintained an open mind or considered our almost _____-year-old daughter's voice, _____ who suffered a great deal of physical abuse, excessive force, emotional, psychological, and mental abuse, and neglect at the hands of her Father who is a _____ officer when Judge _____ granted temporary full physical custody to Father back in _____. Our daughter's life was in danger while in custody of Father and Judge _____. Our daughter _____ ignored all the evidence presented to his court several times. Our daughter _____ now has a lot of unrepairable damage due to the unfair rulings and forcing her to live in an abusive home.

Judge _____ is not diligent and has not been prompt on our case. He has blatantly ignored some of Mother's motions and petitions. It's important to note that Article 2, and 11 of the Arizona Constitution requires that "*Justice in all cases shall be administered openly, and without unnecessary delay.*"

Article 6, Section 21 provides that "*Every matter submitted to a judge of the superior court for his decision shall be decided within 60 days from its submission. The supreme court shall by rule provide for the speedy disposition of all matters not decided within such period.*"

Mother submitted a motion for contempt against Father back on _____, and no hearing was ever set. **Exhibit #2** Father has faced zero consequences for violating family court orders since _____ and now we are scheduled for a final trial on _____ at _____. Mother is afraid the final ruling will be once again in Father's favor and will be detrimental to our daughters' lives. Mother is humbly asking for justice and a fair trial for our children.

Judge _____ has been very inconsiderate of the litigation costs to Mother as a one-income family household. Mother has also spent an exponential amount of money (approx. \$ _____ since _____) in court costs, attorney fees, mental assessment, supervised visitations, child support paid to Father, and various expenses because of Judge _____ rulings.

Judge has dragged our case tremendously and caused unnecessary costs while our daughters have suffered being taken away from their Mother, no relief of any sorts for Mother or the children but Father continues to be emboldened by this court with power and control. In the most

recent ruling on Judge defends Father and believes Father has done nothing wrong even after all the evidence presented to this court. **Exhibit #3**

Judge reckless rulings are not just in our case, but this judge has a bad reputation with various lawyers and an ever-growing large circle of safe loving parents since the rotation of Judge's occurred back in . Mother got authorization to include the case of an acquaintance who had a horrible experience with Judge judicial conduct as well. Her case is . Mother is aware of other cases that is not allowed to mention but Judge has destroyed families and caused so much trauma, PTSD, unrepairable damage to children, emotionally, mentally, psychologically, and physically.

Timeline of Judge unacceptable judicial conduct and performance

- Transcripts from our hearing on appointed advisor, and Judge . Biased behaviors from court-during our very first hearing on but also on the second hearing

Despite Mother's prior counsel in , exposing CAA, and her biased requests of Mother (Example: Only Mother should submit to hair follicle and random urine testing), Judge did not remain neutral and/or ordered Father to the same requests made by CAA even though Judge knew that Mother has a top-clearance federal government job with (), is an excellent citizen, no criminal record of anything, but still treated worse than a dangerous felon charged with crimes.

- Judge granted primary residential home and gave Father final say regarding our children even though Mother had requested to keep parenting plan 50/50 and continue joint-legal decision making. Judge decreased Mother's parenting time to weekends per month and all based on false allegations made by Father and CAA, . Our oldest daughter almost years old at the time, had been refusing to go to Father's home due to long history of abuse and conflicts in the home.

- Our daughter disclosed her Father had been inappropriately caressing her and continued to refuse going to Father's home. Father filed petition to enforce parenting time and accused Mother of "our daughter, which is not true. It is also important to note that Father had been in contempt since because he kept our youngest daughter, from spending time with Mother. Mother regrets not filing a contempt order because Father has had no consequences for this either. Mother has missed out on almost years of consistent parenting time with the children but mostly

This court granted full temporary custody of our daughters to Father and Mother was ordered to deliver to his home on . Mother delivered to Father's home on and knew that our daughter was in great danger.

**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.**