

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-225

Judge:

Complainant:

ORDER

October 6, 2023

The Complainant alleged improper legal rulings by a superior court judge pro tem 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 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

2023-225

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.

To the Commission on Judicial Conduct,

The purpose of this letter is to file a formal complaint of judicial misconduct by relating to his position as a Court Judge in County Court in AZ. It is my understanding that Judge took his position in and I (Mother) have no doubt my daughter would not be alive today if it weren't for Judge being put in a position to replace him and intervene on behalf of my children. I am so extremely grateful she was there to hear my case in when I had to return to court due to the prior ineptitude and egregious errors of

On , I went before for a custody trial. My children's father had harmed them repeatedly throughout our marriage, and I did not feel they would be safe in his care once I divorced him. Knowing my testimony alone would not suffice, I requested that a comprehensive custody evaluation be completed so I could share all the documented abuse with a qualified psychologist who could then give a professional and unbiased testimony to the court. Though I had suggested different custody evaluators to choose from, Father's attorney requested , and he was chosen by the court to conduct the custody evaluation.

is a Clinical Psychologist in that has been licensed in Arizona since and he is qualified to testify as a custody expert in AZ counties. interviewed myself, my children, and their father multiple times. He also listened to all the audio recordings I had of father manipulating the children, screaming at us and terrorizing our family behind closed doors, as well as multiple admissions to physically harming the children in the past. He read a report by the children's therapist () that stated, "

looked at photographs of injuries to the children, read through threatening texts and emails from Father, read letters from their school teachers detailing how Father's behavior negatively affected the children, studied reports and information supporting the restraining order against Father, as well as police reports that documented Father's prior behavior. All of this information was then detailed in his report.

wrote a page report outlining his findings, and it cost \$ dollars—which was paid for with our family funds. It was submitted as evidence to Judge during the custody trial.

In report, he stated:

“ (page)

“ (page)

“ (page)

“

“ (page)

It “ (page)

The final recommendation was given that Father be required to complete parenting classes, have limited custody of the children, and undergo extensive psychological intervention with a specific clinical therapist that holds a PhD as well as JD degree before increasing custody “

’ (page)

He also recommended that “ (page)

At the conclusion of our custody trial, _____ spent approximately _____ minutes that _____ afternoon to deliberate before rendering his official ruling. His final remarks were less than a page long, and did not even include the most basic custodial details like where the _____ children would be spending future holidays. Most egregiously, Judge _____ ruling did not include a single recommendation by _____ from his _____ page report. It is completely infeasible that he would have been able to read that detailed report and write his own ruling in _____ minutes of deliberation time. My attorney said he had never seen a judge so blatantly and completely disregard an expert's opinion like that in his _____ year legal career.

There was a portion of the ruling relating to the back child support Father owed that was in gross legal error as well, and my attorney specifically pleaded with me to allow him to appeal that portion. He said it was so incorrect that if he let it go, it could set a bad precedent for his future cases that went before Judge _____. He said he did not want to continue to go before a judge that was so ill-informed on Family Law. I allowed him to file an appeal, but I don't think anything came of it—which I didn't care about. My main concern was my children's safety.

I remember watching Judge _____ drive away in his car from the courthouse that evening, mere minutes after his ruling. Since he only took about _____ minutes to deliberate my years and years worth of evidence, and he seemed to be in a hurry to start his weekend, it was apparent his personal schedule took precedence that day. Staying past _____ on a _____ night, to give my children's safety and future more than a cursory thought was clearly not a priority.

Due to _____ gross malfeasance, it was only _____ weeks after his careless ruling before my children were again abused by their father. The school reported the incidents to the _____ Office.

The following is a list of JUST SOME of the behaviors my _____ daughters were subjected to by their father | _____) *AFTER* he was given unsupervised joint custody by Judge _____ :

- About _____ weeks after Judge _____ custody ruling, Father became angry with oldest daughter for using her cellphone in the middle of the night. He screamed at her (waking up her _____ other sisters with his yelling), put her in a headlock, drug her up the stairs and threw her to the ground so hard that her twin sister in the basement below heard her hit the floor. He told her she had ' _____ ' in her and proceeded to pray and ' _____ ' he said he knew she had in her. Her sister secretly recorded the

audio with her cellphone, and the incident traumatized all children. He then forced her to sleep on the floor between his body and the wall for the remainder of the night as further punishment.

The next day, during a physical examination, the pediatrician noted the swelling and bruising on her ribs from the assault, and reported the abuse to [redacted] as well. My daughter was in pain for weeks, and was unable to engage in any physical activities at school because of it. The [redacted] substantiated the behavior as abuse, and father appealed their ruling stating it was normal discipline for her misbehavior (unauthorized cell phone usage).

- Younger children reported to Mother that they slept with pocket knives under their pillows while in Father's home, just in case he tried to hurt them in their sleep.
- Father regularly locked the children out of his home for hours on end when it was his parenting time. They were told they weren't allowed to come inside and bother him until he said it was ok. They would pass the time by traveling around town unsupervised on their bicycles. Mother regularly received messages from concerned friends telling her that they saw her young children traveling all alone in dangerous and high traffic areas.
- [redacted] year old daughter was sexually assaulted by a male acquaintance during one of these unsupervised occasions on Father's parenting time.
- This daughter eventually became extremely promiscuous as a way to take back control of her trauma (a common response with traumatized sexual assault victims) and ended up with a teenage pregnancy. She is now [redacted] years old and struggles greatly with her self-esteem and making healthy choices that show self-respect. She chooses romantic partners that treat her like her Father has.
- When [redacted] eventually substantiated Father's abuse of the then- [redacted] year old, he was angry with her for reporting it to the school. He told her he "[redacted]" and kicked her out of his home. She then went to live with Mother full-time.
- One daughter developed a drinking habit after [redacted] ruling in order to numb the pain while at her father's home. She kept vodka and beer in her

**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.**