

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-370

Judge:

Complainant:

ORDER

February 23, 2024

The Complainant alleged a superior court judge was biased in his rulings 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 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 member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 23, 2024.

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

FOR OFFICE USE ONLY

2023-370

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.

CASE NO. _____ HAS BEEN ONGOING SINCE _____ WHILE THE FINAL
DECREE WAS SIGNED _____ BY JUDGE _____ SEVERAL ISSUES REMAIN
UNRESOLVED.

JUDGE _____ TOOK OVER THIS CASE THE FALL OF _____ . AT THE SAME TIME AND
AFTER PAYING _____ MORE THAN _____ WAS RELEASED FROM
REPRESENTING ME PRIMARILY DUE TO THE COST AND NOT SEEING AN END IN SIGHT. I
HAVE BEEN WITHOUT LEGAL REPRESENTATION SINCE THEN. I BELIEVE THIS HAS CAUSED
JUDGE _____ TO BE BIASED AGAINST ME AND I HAVE NOT BEEN TREATED FAIRLY.

I ALSO BELIEVE, JUDGE _____ " _____ ' HAS CONTRIBUTED TO THE
LENGTH OF THIS CASE. IRONICALLY, I AM BEING BLAMED BY THE PETITIONER AND HER
COUNSEL FOR DRAGGING IT OUT WHICH IS A LUDICROUS CONCEPT SINCE I'M ORDERED TO
PAY THE PETITIONER'S ATTORNEY FEES IN ADDITION TO ANY I MAY INCUR FOR MYSELF.

UNRESOLVED ISSUES:
DIVISION OF PROPERTY - TO DATE, I HAVE NOT RECEIVED ANY OF THE FURNITURE AND
HOUSEHOLD APPLIANCES WE WERE ORDERED TO DIVIDE IN THE FINAL DECREE. AFTER
WAITING MORE THAN _____ YEARS AND FILING PETITIONS AND MOTIONS ASKING THE JUDGE
TO ENFORCE THE DIVISION OF PROPERTY, IT BECAME NECESSARY FOR ME TO PURCHASE
FURNITURE. ALONG WITH MY FAIR SHARE OF THE FURNITURE, I AM STILL WAITING FOR
JUDGE _____ TO ORDER THE PETITIONER TO RELEASE VARIOUS GARAGE ITEMS, MY
TOOL BOX, AND OTHER TOOLS. THE PETITIONER HAS ABSOLUTELY NO NEED FOR THEM BUT
CONTINUES TO HOLD THEM OUT OF SPITE.

SALE OF THE _____ :
THE PETITIONER WAS ORDERED TO PROVIDE ME WITH THE BOAT ACCESSORIES WITHIN
_____ DAYS OF THE FINAL DECREE BEING FILED. INSTEAD, SHE LISTED SEVERAL ITEMS ON
_____ WITH HER CONTINUAL DELAY AND NOT BEING HELD ACCOUNTABLE BY THE
COURT, I LOST A LUCRATIVE SALE OF THE BOAT. THE BOAT CONTINUES TO BE A
CONTENTIOUS ISSUE BETWEEN US.

PARENTAL ALIENATION/PARENTING PLAN:
WHEN MY EX-WIFE FILED FOR DIVORCE, OUR DAUGHTER WAS _____ YEARS OLD AND IN THE
GRADE. WE FOLLOWED A PARENTING PLAN AS LONG AS IT SUITED THE PETITIONER'S
SCHEDULE. ONCE THE FINAL DECREE WAS FILED, I SAW LESS AND LESS OF MY DAUGHTER
EVEN WITH A PARENTING PLAN IN PLACE. HER MOTHER HAS BEEN CONTROLLING HER, WHAT
SHE DOES, AND HOW SHE DOES IT. NOW _____ AND A _____ IN _____ I RARELY SEE
MY DAUGHTER AND SHE DOESN'T RETURN MY CALLS. SHE HAS CLASSES IN THE MORNING
WHICH ALLOWS HER PLENTY OF TIME FOR HOMEWORK, AND YET, I HAVE RECEIVED AN EMAIL
EVERY FRIDAY SINCE SCHOOL STARTED REGARDING "MISSING ASSIGNMENTS". I BELIEVE
SHE SPENDS A SIGNIFICANT AMOUNT OF TIME ON THE VARIOUS SOCIAL MEDIAS AND KNOW
SHE'S LOGGED INTO _____ ALL HOURS OF THE NIGHT INCLUDING _____ IN THE

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MORNING. I HAVE FILINGS WITH THE COURT REGARDING PARENTAL ALIENATION BUT THEY HAVEN'T BEEN ADDRESSED BY JUDGE

CHILD SUPPORT:

MY EX-WIFE HAS REPEATEDLY ASKED THE COURT TO HAVE ME INCARCERATED FOR ANY NON-COMPLIANCE ON MY PART. IN TURN, I HAVE ASKED THE COURT TO ENFORCE PETITIONS AND/OR MOTIONS I HAVE FILED WHICH SHE HAS YET TO COMPLY WITH OR HAVE HER INCARCERATED. WHILE I DON'T ANTICIPATE JUDGE TO INCARCERATE HER FOR NON-COMPLIANCE, I'M CONCERNED HE MAY ORDER MY INCARCERATION OR PLACE SOME HEFTY SANCTIONS ON ME OR BOTH. CURRENTLY, I AM BEING ASKED TO SUBMIT MY AFI. SINCE I HAVE NEW EMPLOYMENT, MY EX-WIFE'S INTEREST LIES WITH HOW MUCH MORE SHE CAN GET OUT OF ME FOR CHILD SUPPORT. I AM WILLING TO FILE A CURRENT AFI AND IN EXCHANGE WOULD APPRECIATE GETTING THE PROPERTY I'M ASKING FOR.

GARNISHMENT OF WAGES:

MY EX-WIFE IS RECEIVING IN EXCESS OF A MONTH FROM ME WHICH DOESN'T INCLUDE CHILD SUPPORT. THESE FUNDS ARE MAINLY FOR THE EQUALIZATION OF THE VEHICLES (I HAD MINE PAID OFF, SHE DID NOT), AND HER ATTORNEY'S FEES. I HAVE ASKED JUDGE TO CONSIDER THE FACT I PAID MY OWN ATTORNEY OVER WHICH WAS THE MAIN REASON FOR DISCONTINUING HIS SERVICES IN OF I HAVE OBJECTED TO THE COURT'S RULING FOR ME TO PAY THE PETITIONER'S LEGAL FEES ON MORE THAN ONE OCCASION BUT TO NO AVAIL.

AFTER SUFFERING THROUGH MORE THAN ONE HEARING AND LISTENING TO THE PETITIONER AND HER ATTORNEY, PERJURE THEMSELVES, I CONTACTED THE IN OF AND THEY SET UP A FILE UNDER I ORDERED HARD COPIES OF THREE TRANSCRIPTS, HIGHLIGHTED THE TESTIMONY IN QUESTION. AND SUBMITTED PAGES INCLUDING SUPPORTING DOCUMENTS TO THE HAS DENIED KNOWING HER CLIENT LIED UNDER OATH WHICH IS ANOTHER LIE.

I UNDERSTAND THE COMMISSION WILL NOT CHANGE OR REVERSE ANY DECISIONS THIS COURT HAS ALREADY MADE, AND I'M NOT ASKING THIS OF THE COMMISSION. I JUST WANT TO BE TREATED FAIRLY WITHOUT BIAS. SINCE THIS CASE IS COMING UP ON YEARS, I WANT THIS OVER WITH SO I CAN MOVE ON WITH MY LIFE. I'M SURE THE COURT WOULD LIKE TO SEE THIS CASE OFF THE DOCKET FOR GOOD. UNFORTUNATELY, I DON'T SEE THAT HAPPENING UNTIL ALL PROPERTY HAS BEEN DIVIDED AND ALL ISSUES HAVE BEEN RESOLVED FAIRLY AND WITHOUT BIAS.

AN EVIDENTIARY HEARING IS SCHEDULED FOR AT THIS COMPLAINT AGAINST JUDGE IS NOT WITHOUT TREPIDATION AS I'M CONCERNED ABOUT THE POSSIBILITY OF REPERCUSSIONS.

ATTACHED ARE COPIES OF MY PETITIONS AND/OR MOTIONS FILED AND MINUTE ENTRIES.

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AS YOU CAN SEE, SOME OF THE ENTRIES OCCURRED UNDER JUDGE [REDACTED] TIME OVER-SEEING THE CASE. I BELIEVE IT'S IMPORTANT FOR THEM TO BE INCLUDED AS THE ISSUES GO BACK TO THE FINAL DECREE AND EVEN BEFORE. I DID NOT CLARIFY SOME OF THE MINUTE ENTRIES AS THEY ARE QUITE INVOLVED. I REALIZE ME BEING WITHOUT LEGAL COUNSEL HAS PROBABLY PLAYED INTO ADDITIONAL ISSUES PERHAPS WHEN IT COMES TO FILING A MOTION OR PETITION AS WELL AS TIMING OF WHAT WAS FILED. I SINCERELY HOPE THIS DOES NOT RESULT IN MORE BIAS OR UNFAIRNESS.

JUDGE [REDACTED]

- DECREE OF DISSOLUTION OF MARRIAGEpage 16 of 25 - Division of Household Property

PAGE 16 OF 25 - DIVISION OF HOUSEHOLD PROPERTY

- FATHER'S MOTION FOR RECONSIDERATION OF [REDACTED] JUDGMENT (PARENTING PLAN)

PARENTING PLAN HAS BEEN A CONTENTIOUS ISSUE FROM THE BEGINNING. SEE FATHER'S MOTION FOR RECONSIDERATION

- PETITIONER'S APPLICATION AND AFFIDAVIT OF ATTORNEY'S FEES AND COSTS
- FATHER'S OBJECTION TO MOTHER'S APPLICATION FOR ATTORNEY'S FEES
- RULING
- MINUTE ENTRY - STATUS CONFERENCE

JUDGE [REDACTED]

- FATHER'S PETITION TO ENFORCE COURT ORDER ABOUT DIVISION OF PROPERTY
- FATHER'S PETITION TO ENFORCE REMAINING TOOLS; RECONSIDER MONETARY JUDG
- MINUTE ENTRY - JUDGE [REDACTED] ACKNOWLEDGED MY PETITIONS REGARDING

PROPERTY & TOOLS AND ORDER "ALL PENDING PETITIIONS, MOTIONS, PLEADINGS" TO BE ADDRESSED AT THE RMC SET FOR

- MINUTE ENTRY - DISCUSSION WAS HELD AND JUDGE [REDACTED] ORDERED AN

EVIDENTIARY HEARING BE HELD

- FATHER'S PRE-TRIAL STATEMENT
- MINUTE ENTRY - MATTER WILL BE TAKEN UNDER ADVISEMENT AND THE COURT WILL

RULE WITHIN 60 DAYS

- UNDER ADVISEMENT RULING/JUDGMENT - JUDGE [REDACTED] DID NOT ORDER MOTHER

TO DIVIDE THE PROPERTY BUT INSTEAD REFERENCED THE ORDER IN THE FINAL DECREE

- MINUTE ENTRY
- MINUTE ENTRY
- MINUTE ENTRY
- MINUTE ENTRY
- MINUTE ENTRY
- MINUTE ENTRY
- MINUTE ENTRY
- MINUTE ENTRY
- FATHER'S MOTION TO ORDER PETITIONER TO RELEASE FATHER'S PROPERTY
- MINUTE ENTRY (COMMISSIONER [REDACTED])
- MINUTE ENTRY
- MINUTE ENTRY

**COURT OF ARIZONA
COUNTY**

Filing ID

HONORABLE

Case Number:

Petitioner

AND

Respondent

DECREE OF DISSOLUTION OF MARRIAGE

The Evidentiary hearing in this matter occurred on . The Court has considered the evidence which includes where applicable/presented, the demeanor of the witnesses, reviewed the exhibits as well as the case history, and considered the parties' arguments and agreements.

The Court makes the following findings and enters the following orders:

JURISDICTIONAL FINDINGS

THE COURT FINDS as follows:

- At the time this action was commenced at least one of the parties was domiciled in the State of Arizona and that said domicile had been maintained for at least 90 days prior to filing the Petition for Dissolution of Non-Covenant Marriage.
- The conciliation provisions of A.R.S. § 25-381.09 have either been met or do not apply.
- The parties were married on . By operation of law, the marital community is deemed to have terminated on .
- This was not a covenant marriage.
- The marriage is irretrievably broken and there is no reasonable prospect for reconciliation.
- is not pregnant.
- To the extent that it has jurisdiction to do so, the court has considered, approved and made provision for the maintenance of each spouse and the division of property and debts.
- There is a minor child common to the parties, namely: [DOB].
- Arizona was the child's home state on the date the petition was filed or was the child's home state within six months before the filing and the child is absent from this state but a parent or person acting as a parent continues to live in this state.
- The federal Parental Kidnapping Prevention Act does not apply and that no international law concerning the wrongful abduction or removal of children applies.

DISSOLUTION OF MARRIAGE

IT IS ORDERED dissolving the marriage of the parties and restoring each party to the status of a single person.

LEGAL DECISION-MAKING AND PARENTING TIME

**COURT OF ARIZONA
COUNTY**

HONORABLE

Case Number:

The Court shall consider all equitable factors before ordering an unequal division of community property, including: the length of the marriage, the contributions of each spouse to the community, the source of funds used to acquire the property to be divided, the allocation of debt, and any other factor that may affect the outcome. *See Inboden*, 223 Ariz. at 547, 225 P.3d at 604.

THE COURT FINDS that this case does not present a unique set of facts or circumstances. Therefore, an equal division of community property is appropriate to achieve equity.

Real Property

THE COURT FINDS that the parties do not own real property subject to division.

THE COURT FURTHER FINDS that the marital residence was sold by the parties in _____ and the proceeds have been divided.

Personal Property

THE COURT FINDS that the parties do not agree to the distribution of the following personal property:

- Motor Vehicles described as _____ valued at _____
- Motor Vehicles described as _____ valued at _____
- Other described as Tools
- Other described as Guns (_____)
- Other described as _____ prints

IT IS THEREFORE ORDERED:

- Motor Vehicles described as _____ and valued at _____ to be awarded to _____ subject to any liens or encumbrances.
- Motor Vehicles described as _____ and valued at _____ to be awarded to _____ subject to any liens or encumbrances.
- Other described as Tools to be awarded to _____ subject to any liens or encumbrances.
- Other described as Guns (_____) to be awarded to _____ subject to any liens or encumbrances.
- Other described as _____ prints to be awarded to _____ subject to any liens or encumbrances.

At the time of trial, the parties had not yet divided the household furniture and other tangible community property located in the marital residence (the "Household Property").

IT IS FURTHER ORDERED that, if the parties have not already divided the Household Property, then they must cooperate to make a complete list of all Household Property and alternate selecting items from the list until all items have been selected. _____ will make the first selection. _____ and _____ are awarded as their respective sole and separate property all items selected by the party, subject to all liens and encumbrances against the property selected.

IT IS FURTHER ORDERED that all Household Property awarded to one party and still in the possession of the other party must be exchanged within 30 days after entry of this Decree.

IT IS FURTHER ORDERED:

**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.**