

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-456

Judge:

Complainant:

ORDER

April 19, 2024

The Complainant alleged a superior court judge showed bias and made improper rulings in a domestic 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 member Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 19, 2024.

2023-456

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.

According to Article 6, Section 26- Oath of office of the Arizona constitution, it states that "each judge... will faithfully and IMPARTIALLY discharge the duties of his office to the best of his ability." I firmly believe that Judge [] is extremely biased and not impartial, and has failed to live up to her oath she took. Judge [] goes into court with her mind already made up. The following complaint is full of reasons why Judge [] should not continue to be allowed to be a judge in Arizona.

[] moved herself and took our [] children without a court order, and without my permission to [], to live with her parents. My only option was to submit paperwork to the courts letting them know what she did, and that I never consented to the kids moving out of state. I even offered to keep the kids at my house (as I now had an empty house) until she got a job, got back on her feet, and had a stable place to live, and THEN we could discuss parenting time. [] ignored me, gave me days notice, and then moved my kids to [] months later, we went to court over the matter. As you can see in the judgment (attached at the end of this form), Judge [] gave [] 2 options: either move back to [] with the kids, and the parenting plan would stay the same, OR stay in [], but if she chose to stay in [], my kids would still have to return back to [] I would become the primary parent, I would be owed child support, [] would be given [] week fall break, [] week winter break, [] week summer break, and the summertime for her parenting time, in addition to any other agreed upon times. [] CHOSE to stay in [] and give up being the primary parent.

[] years later, [] took me back to court again to ask for primary custody of our [] children, that they be moved to [] full time, that she get primary legal decision making, that she get child support, that she get everything! As you can also review in Judge [] judgment (also attached), she gave whatever she asked for, and didn't a single time find that one of her judgments favored me, even though I clearly testified that my [] were doing really well in school, getting good grades, had lots of friends in town, and that my [] who moved back to [] was doing poorly, missing over [] days of school in one school year, having suicidal thoughts, failing [] classes in school. as well as under-treated and ignored poor mental health. I can't tell you how many times my [] has called me in the past few years crying, opening up [] struggles with I [] mom, with [] friends, and with life in general. When my [] was having suicidal thoughts, [] turned to ME for help, as [] was afraid of getting into trouble with [] didn't even want me to tell []. This was during the time [] was essentially a single child living with [] During this court, [] testified that everything was perfect, she was the best mom possible, etc. Obviously I testified that this is a lie and that what [] says is not reality.

Just [] is the 3rd judge I have testified in front of in the past [] years. Judge [] was awesome, logical, reasonable, and impartial. Judge [] was also a good judge, even though I got screwed over in general. He was impartial and was able to do the best he could with what he was given. I have never in my life seen such horrible unbalanced, biased, unfair, and unjust judgments as what I experienced from Judge [] My lawyer told me that in the [] years he's been lawyering, he's NEVER seen a judgment so poor, so biased, so unbalanced, and unfair until MY case appeared before Judge [] I firmly believe there was not a single thing I could have said or done to sway her opinion of me. She already had her mind made up before court started. Impartial judges can't do that!



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Child Support:

a. Judge _____ terminated _____ Child Support Obligation on _____ What happened to the following _____ months when I had the _____ full time at my house? All of _____ through _____ I still had full time custody of my children. Why would her obligation end on _____ ?

i. MY child support obligation now starts _____ weeks on _____ after this judgment comes out? Why, when I didn't even get credit for _____ months' worth of taking sole care of my _____ !

b. When calculating my child support obligation, at the end of the page, Judge _____ said " _____ ". This is not true and not appropriate because the judge calculated these figures _____ months after our court date and she did it solo, without any input from either party. So how could I have contested it? It wasn't discussed once during our court appearances.

c. _____ makes more money than what was entered. _____ has _____ jobs... Her primary job as a supervisor at _____ her per diem _____ job at the local hospital, and she recently started a business buying and selling land, which adds to her income.

d. _____ was ordered to pay me child support for the past _____ years I've been the primary parent of all children, yet _____ did not pay a single penny to me. If I would have stopped paying child support for a month or two, I, as a male, would have been thrown in jail! That is an unfair standard and precedent the Judge has set. My _____ did move to _____ for healthcare, which would have changed child support obligation. _____ stated that we agreed that she didn't have to pay child support. I never said this. What I said was... ' _____ '.

_____ I lost _____ she got _____ she wasn't supposed to get, that can be my _____ child support obligation. But that doesn't negate me having my _____ for _____ years by myself. That doesn't cancel the child support for the _____ ! _____ keeps saying I said we agreed to call it a wash. I did not ever say this, and I even testified that I never said that, but Judge _____ overlooked, downplayed and ignored that fact. Nor did Judge recalculate the child support as required. She just made excuses on behalf of _____ and parroted what said, which is not appropriate for a judge to do.

Tax Deductions:

a. Throughout our entire trial, not a single word was discussed about who gets to claim which children for tax purposes. There was no reason whatsoever that the judge made a ruling on this. There was nobody contesting this, therefore a ruling _____ on this topic was completely inappropriate.

b. Per the judge's ruling, she actually benefited ME, which would be correct according to the Arizona guidelines and formula for calculating who gets to claim children, which says "The formula is based on each parent's proportion to the parties combined adjusted gross income". This would be me, having the highest proportion of child support I have to pay.

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c. However, we already had agreed a few years ago that both of us would claim children each year. The agreement was that I would get to claim and and would get to claim and . We have been doing this for the past years since our divorce was finalized.

d. Making a ruling on this aspect without even discussing this in filings and in court show that Judge either is incompetent in her job as an impartial judge, OR the judge copied/pasted whatever she could find to throw into our judgment without any thought to it, to fill it out and pad the document, OR Judge was just out to screw me over as the male and father of the case, and show her biases.

The agreement or lack of an agreement by the parents regarding joint legal decision-making:

a. Judge said “ ”

b. The judge failed to include that Mother **ILLEGALLY** relocate with the children to without father's consent, AND without a court order stating that she was legally allowed to. also dis-enrolled the children out of their Arizona school, and re-enrolled them all into school in again without father's consent or without an order saying she was allowed to do that. If I were to pull something like that and move the kids back to Arizona without permission, I would have been thrown in jail so quickly as a male, and would have immediately lost custody of my children. The same standard should be applied to , but wasn't, and Judge went even further and completely ignored the previous judgment by Judge and the illegality of what did.

c. I DID vaccinate the children as one of my children hadn't received a single vaccine when I got custody of them, the others were extremely behind in their vaccine schedules, due to negligence. This is a public health issue that is the right thing to do, regardless of what says.

 i. In addition, DID eventually give me verbal permission to vaccinate our children. She said I could vaccinate them, but just not the COVID one. That is what I did, all major immunizations were given, but not the COVID one, per wishes. So I don't understand how Judge can use that as a fact against me, like I did something wrong. This clearly shows Judge biases.

d. Moving the kids out of state illegally without my permission and without a court order is NOT equal to me vaccinating our children with permission.

4. The past, present and potential future relationship between the parent and the child, A.R.S. § 25-403 (A)(1):

a. Judge said “ ”

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i. This reads like Judge _____ is advocating on behalf of _____ like a lawyer would to her client, not an impartial 3rd party

ii. An extremely strong bond? An unhealthy bond between _____ and _____ yes absolutely, but Judge _____ ignored those facts during the case.

b. Judge _____ said “

”

i. Judge _____ completely missed the boat on this point. _____ and I actually have a very good, strong bond, as evidenced by _____ reaching out to ME when _____ was recently having suicidal thoughts and did not want to tell _____ mother. _____ said _____ was afraid of _____ mother and thought _____ was going to get in trouble for having those thoughts with _____ mom. _____ didn't even want me to tell

ii. _____ has significant mental health problems that have been ignored, contrary to what _____ testified about. I spent a week with _____ in _____ in _____ and we had one of the best vacations together I've ever had. I've pushed for _____ to start taking mental health medications for years now, ever since _____ primary car provider wrote a prescription for one and diagnosed _____ with significant _____ and _____, which _____ refused to let me give _____ that medication. I've advocated for _____ to do significant counseling so _____ could work through whatever issues _____ has with the family house I live in. After pushing _____ for a year and a half, _____ FINALLY got _____ into counseling. After _____ visits, the counselor stated that _____ didn't need counseling. What counselor says that a young teenager doesn't need counseling after only a few visits? It takes much more time than visits for ANYONE, young and old, to feel comfortable enough to truly open up to a counselor and be honest. How do I know? I've been in counseling for _____ years now and have been through several counselors. It took ME a long time to be comfortable enough to really work on my issues. This was a terrible counselor that did a disservice to my poor

iii. _____ first had issues with my “ _____ I had because they reminded _____ of having _____ which really scares _____. So I went out and bought new _____ and got rid of the old ones, just for _____ came behind me and took my old _____ to her house and now _____ sits on them and has no issue with them at _____. It wasn't the _____. Now _____ says it's the house I'm in because it reminds _____ of all the trauma of our divorce. This is probably true, but this is why I've pushed so hard for _____ to have a good counselor so _____ could work through these issues, but this hasn't happened yet.

iv. _____ doesn't have an issue with me. _____'s told me this specifically many times over the past few years. We have a great relationship. We get along really well. We talk often. _____ reaches out to me for empathy and understanding and love _____ does not receive from _____.



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v. would not have gone alone on an airplane and flown to then drove to for a week, and then flown back all by , if ". That is a completely false statement, written by a judge that had no interest in listening to the facts of the case. Judge had already made up her mind before our court day, this was clear.

The child's adjustment to home, school and community, A.R.S. § 25-403(A)(3):

a. Judge spent this entire section saying how great mother has been, but didn't mention any of the good things I have done with the kids. The Judge completely ignored anything that I said in court and only focused on the good things Mom did. This was completely inappropriate and biased.

b. Judge said "

i. It's pretty unbelievable Judge would even say this, since whenever refuses to go to school, doesn't make has no accountability with and it shows by school attendance in missed over days of school last school year. This was due to several factors, but mostly it was because has under-treated and as well as a mom that give in whenever the kids push back. also got and in schooling.

ii. lawyer stated in court that this is typical teenage behavior. This was a false statement. This is NOT typical teenage behavior. Show me a teenager that misses days of school and gets and , and I'll show you more that are just fine, attend every day, and get good grades.

iii. lawyer stated in court that would get pushed up to the next grade despite attendance and grades, like doing great. This was a lie and a misdirection that Judge obviously ignored and overlooked. I called school a couple of months before court, and they told me that law states that in grade, it doesn't matter how many days they miss, nor what grades they get, the kids there will automatically get moved into could have flunked and never shown up and she STILL would have gotten pushed into grade. So that was a cheap shot that was not appropriate to say in court. That doesn't favor

iv. Judge said "

". This is a false statement. I testified that ' The only missed a handful of days the entire school year, and most of them were surrounding holidays and time with . The have friends in school, in our local neighborhood and in town. I take the kids to church once in a while, albeit not as much as does. One joined the school band. They all ran around with kids in my neighborhood playing. They played school basketball. Judge completely ignored and dismissed all of the great things I've done and created for my and only listened to . It was clear that Judge was and IS NOT an impartial, unbiased judge.

**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.**