

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-227

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge improperly denied him parenting time, failed to disclose a conflict of interest, and delayed a decision in a family law matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: October 19, 2016

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 19, 2016.

*This order may not be used as a basis for disqualification of a judge.*

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and cor

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**INSTRUCTIONS**

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

List of Complaints:

1. Failed to disclose conflict of interest between Judge and Best Interest Attorney in a timely manner.
2. Did not grant any visitation even though there wasn't sufficient evidence to support allegations. (
3. Delayed decision for change of venue order until days before hearing was scheduled to take place.
4. Lack of overall urgency and decision making.
  - a. This caused significant emotional turmoil from lack of visitation or even speaking to children. This is time and stages in my children's life I will never get back.
  - b. It has caused an insurmountable increase of my attorney fees because my attorney \_\_\_\_\_ spend time and effort to prepare of hearing. I now have to hire new attorney in \_\_\_\_\_ and start over.

During the day on \_\_\_\_\_ I received a call from an attorney by the name of \_\_\_\_\_ She said she had received my case and wanted information about what it was about. I told her I did know there was an open case and had no clue what she was talking about. She said there was a hearing on and I was supposed to attend but she didn't have much information. I told her I would call my ex-wife and ask her to contact \_\_\_\_\_

When got home from work at \_\_\_\_\_ on \_\_\_\_\_ I was served a notice to appear at a hearing on \_\_\_\_\_ at \_\_\_\_\_ Again, this was on a Friday afternoon and the appearance was on the following Monday. I did not have very much information around why I was appearing just that my ex-wife was requesting temporary custody. I attempted to consult an attorney on Saturday and Monday morning but I only received their answering service so I had to attend the hearing representing myself.

When I arrived at the hearing \_\_\_\_\_ was meeting with my ex-Wife and her husband outside the courtroom. I walked up and introduced myself and she was very short with me. My ex-wife presented \_\_\_\_\_ with a stack of paperwork and she asked me if I had a chance to review it. I said I did not and had little information about the hearing. We went into the hearing and \_\_\_\_\_ briefed the judge on what was in this separate paperwork. She said there was a written statement from my son's DR indicating there was most likely abuse. ( \_\_\_\_\_ ) \_\_\_\_\_ also said that there were possible criminal charges pending against me.

At this point I am in total shock. Yes I was aware my son fell on a table and had a bruise but I showed my ex-Wife at the exchange and explained exactly what had happen. This accident was consistent with when he fell on a table at her house and cut and bruised his head. I felt completely unprepared and helpless to defend myself.

Then \_\_\_\_\_ asked me if I had anything to say. I started to tell him that I have been a father for over \_\_\_\_\_ years of which \_\_\_\_\_ years were with the mother and have NEVER been accused of mistreating my children. He shut me down and said any information would be saved for an evidenciary hearing. He then ordered my joint custody and parenting time to be temporarily suspended. He set the date for the hearing and then adjourned.

Continued:

On my way out of the hearing I asked to speak to \_\_\_\_\_ I asked if there was any way I could have some type of parenting time or visitation because the Judge didn't allow me to speak further. She said again that I could be receiving criminal charges and should consult an attorney.

At no point during the hearing did \_\_\_\_\_ and \_\_\_\_\_ make it known that they had worked extensively together as attorneys. Neither did the Judge offer for me to request a new judge or best interest attorney. If this was presented to me I would have definitely requested either option.

I left the court house and immediately started contacting attorneys while still sitting in the parking lot. I received a referral to \_\_\_\_\_ from a friend of a friend and met with her the next day. I explained how devastated I was with the experience and outcome and paid \_\_\_\_\_ to retain her. I explained that my number one goal was to reinstate my visitations.

I received notice on \_\_\_\_\_ of a " \_\_\_\_\_ " for \_\_\_\_\_ minutes. I scheduled time off of work to meet in my lawyers office and was anticipating news on temporary visitation. I find out the \_\_\_\_\_ was only for \_\_\_\_\_ to disclose the obvious conflict of interest regarding his previous working relationship to \_\_\_\_\_ He even said he was speaking on her behalf to recommend her for a seat as a judge herself. This was more than an \_\_\_\_\_ after the initial hearing and didn't happen until both my ex-Wife and I retained attorneys.

I advised my attorney that at this point I didn't want any more details in the process by requesting a new judge or best interest attorney but instead move on to the hearing.

It was during this \_\_\_\_\_ that my ex-Wife's attorney requesting a change of venue to \_\_\_\_\_ My attorney disagreed with the request and \_\_\_\_\_ said he would review the motion and her response within a week from then ( \_\_\_\_\_ ).

The next update I was made aware of was on \_\_\_\_\_ the day before the \_\_\_\_\_ hearing when my lawyer informed me that \_\_\_\_\_ granted the change of venue order on \_\_\_\_\_ My attorney had already prepared all the paperwork and evidence to go to hearing which in turn cost me out of pocket fees. We had proof that the abuse allegations against me were unsubstantiated.

Now the new venue is \_\_\_\_\_ hours from my residence and work. It is \_\_\_\_\_ with few options for representation. I have to start over and pay even more fees to a new attorney. While speaking to local attorneys they gave me an estimate that this case will be delayed at least \_\_\_\_\_ months due to the change of venue.

It has been over \_\_\_\_\_ months since I have even talked to my kids much less seen them!

I feel my rights have been violated and I was being treated as guilty when there wasn't even sufficient proof to make a decision. A written statement from my ex-Wife was the main piece of evidence to make the decision for temporary orders.

I truly believe if I didn't obtain an attorney that \_\_\_\_\_ wouldn't have disclosed the conflict of interest. I also believe the change of venue order was granted to " \_\_\_\_\_ " with this breach in the system.

I know nobody can give me back the \_\_\_\_\_ months I've missed with my \_\_\_\_\_ and \_\_\_\_\_ children but someone can review my case and at least hold someone accountable for the injustice.

Now I have to wait for a new hearing in this new county and put my faith in yet another county court to protect my rights as a father.

I appreciate anyone who has reviewed my complaint and investigated my case. I know the system isn't designed to run this way but it has huge negative impacts on lives like mine and my children when it does.

Sincerely,