

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-106

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against her, improperly denied her request for a change of judge, and made other improper rulings in a family law case.

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: June 21, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on June 21, 2017.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-106

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.

Judge Ignored Previous order of protection hearing
preponderance of the evidence that defendant _____ the court found that by a
mitted acts of Domestic Violence.

Judge Ignored previous evidentiary hearing _____ ruling father has engaged in acts
of domestic violence against Mother. Mother was given sole legal decision making and father supervised
visits.

Judge accepted police report where father had left bruises on child _____ as
substantial evidence to protect my address in _____ due to the previous incidents of DV. Since
she has refused to acknowledge my concerns about the safety of my child when with Father. I have
significant concerns on how it is possible to protect my address but not protect my child.

Due to disregard of what my son and I have been through I requested a change of judge it was still during
the initial stage of the case she denied my request saying she had made substantial decisions on the
case. At that point she had sent us to a forensic counselling evaluation which is the same step any judge
would have taken but i was denied my right to a change of judge. She has always made me feel as if the
trauma I was put through by my ex-husband is insignificant. I feel I never had a chance to have an unbiased
decision on my case.

Judge then assigned a Best Interest Attorney to the case who only contacted us the day before court and
made a fast observation regarding the situation. I made numerous calls to him trying to understand the
procedure and have him evaluate the documentation regarding DV and child abuse. My ex-husband has
went above and beyond to lie and manipulate the situation and continues to pretend none of it happened.
When returning to court _____ I had made numerous attempts to provide Judge with information
necessary to understand the underlying aspects of the case but was still ignored. They suggested a
parenting plan for every other weekend and when I told them I could not agree on anything until the
documentation was reviewed the judge and BIA gave each other dirty looks like I was wrong for wanting
the situation to be evaluated. I feel they put me under duress and did not explain that in the future i would
never be able to refer to the DV which leaves me in constant fear of my ex-husband.

I understand that I have made procedural errors throughout the case but the fact is that if in
_____ i would have filed an order of protection and emergency custody modification they would have been
granted since there was an incident where my child was injured. At that time i was working full time and in
school full time while moving and taking care of my child full-time. I thought it would be best for my son to
not upset his father by bringing him to court and trying to work with the parenting plan that was in place at
the time which gave him _____ days per month. Once Father realized i was not going to move back in with
him he refused visitation with his son and brought me back to court.

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The trauma caused by my ex-husband will never go away. He has not taken anger management classes or seen a counselor. He was prescribed medication but did not continue to use it. He has done nothing for the BIA and Judge to believe or trust him to behave appropriately when he is with the child. Since I am the only person who knows how dangerous this man is and I have witnessed him physically and verbally abuse my son the fact that the judge can completely disregard that I am trying to protect my child puts me in distress. Which has been perceived negatively. My child is in danger and there is nothing I can do to protect him, its overwhelming.

relocated on an emergency basis due to rent going up and the summer hours being cut. I provided the court with the eviction information and a purposed out of state parenting plan. I am remarried and have a very stable spouse who had signed a lease. His family has a business that provides substantial work for our family. The move from the apartment to the house alone improves my sons quality of life. Since i fear for the safety of my son I did not inform father of the move until we had relocated.

Judge told me that I qualified for the emergency relocation but since I sent the letter certified mail not "certified mail receipt", I had confirmation that the letter had been delivered, it was not good enough. Father had filed a petition to enforce custody which he did not have served properly but i still showed up at the hearing because i did not want them to think I trying to evade the court order.

I obviously was not aware that they could completely disregard the situation I was in. They set a status conference for _____ Since i was already in a situation i filed the emergency relocation papers again and had them served properly in an attempt to get relocation hearing. Father filed another petition to enforce visitation which wasn't served properly. It took _____ to get the hearing during this time child was place with his father.

I had him _____
my son showed up to visits with bruises and his father lied saying the injury occurred at daycare. After talking to the director of the daycare she confirmed that the bruises did not happen while he was at daycare. My Domestic violence advocate _____ was at the status conference my lawyer expressed concern over the bruises and was shut down by the best interest attorney saying I was making it up. I had photos but had not went to the authorities due to my lawyers advice. THE ADVOCATE CALLED _____ AND REPORTED INCIDENT. _____ did background checks on me, my husband and father and did a home check. I have spoken with _____ and they have not contacted BIA but BIA spoke in court as if he had information directly from _____ but it was all hearsay.

Hearing on _____ couldn't have been worse. Complete Bias. Exhibits that were taken into evidence were ignored. I was called a liar. I was insulted to to trying to have a positive outlook on life. I never had a chance with this Judge and I knew it from the beginning.

Name:

Judge:

In _____ when the modification was initially filed the Judge had only been in her position for _____. I do not believe the previous judge assigned to our case would have ignored her previous decision. This judge has a complex that she is better than others and she makes sure you know it.

My Pretrial statement, information in motion for relocation were all completely ignored and a decision was made by complete hearsay. I provided significant documentation to show her that I had a plan and numerous reasons why I feel so strongly about relocating out _____. One of the main reasons being negative family influences. Now I have been ordered to move within _____ of my ex-husband or I will not even get _____ custody of my son. I still am in disbelief that they will protect my address but not my child.

Judge assumed my son is adjusting well to the situation without considering the fact that I have had my son _____ of the time since _____. He has spent excessive time at daycare over _____ which I showed through records from daycare that I had to subpoena. Information was ignored. His health insurance and daycare is all in my name.

Judge denied my good cause for missing the court ordered parenting time. Being afraid for the safety of your child and trying to take necessary precautions to protect your family was not good enough for her.

Judge ignored fact Since father recently received a promotion to _____ he now has more responsibilities at work and less time to raise a child. He also is on call _____ where he can get called out at any time throughout the night with no one to watch the child. He will become overwhelmed and stressed it is inevitable that my child will be in danger.

By initially denying my right to change judges I was overwhelmed at the situation and no one listening. I tried to go above and beyond to make her understand my position in the case but again was completely ignored. It has been extremely traumatizing to not get the benefit of doubt that I want what is best for my child.