

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-223

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against her based on her immigration status.

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 18, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on October 18, 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

2017-223

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.

SEE ATTACHED page(s) ;

SEE ATTACHED page 4
for explanations.

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TO WHOM IT MAY CONCERN:

On [redacted], [redacted] filed as the Petitioner for my divorce in [redacted]. My case number is [redacted]. My "X" is Respondent [redacted].

Throughout my divorce case, Respondent [redacted]; repeatedly informed the Court that I was illegally in the Country and delivered a message/Insinuations that I should not be awarded anything via the Court system simply because of my Immigration Status which Respondent [redacted] constantly kept mentioning as " [redacted] " in the [redacted] with possible deportation.

My Legal Counsel changed a few times during my divorce seeing all of my chosen Counsel all refused to submit relevant documents or evidence in my behalf into the Court or court proceedings.

I handed my Legal Counsel my Immigration paperwork/status and asked that it be entered into the Court. This was not done when requested.

All throughout my divorce proceedings, I sensed that Judge [redacted] was " [redacted] " against me and Judge [redacted] more times than not cut me off or prevented me from presenting my viewpoints when compared to how he allowed the Respondent's side to express themselves.

The repeated mentioning of my Immigration Status by the Respondent's Legal Counsel, [redacted], was of great concern to me. I was very concerned of this court statement being allowed by the Judge. The Respondent [redacted]; was never corrected nor edited nor stopped by [redacted]. I feared that this permitted Immigration related verbiage and accusation would damage my chances in prevailing in my divorce overall.

On [redacted] I personally delivered to Judge [redacted] my true Immigration Status paperwork so he could personally see and read that my true/present day Immigration Status in [redacted] was not " [redacted] " nor was I to be deported anytime soon. See ATTACHMENT #3 for Immigration Status paperwork handed to Judge [redacted].

On [redacted] Judge [redacted] ruled in favor of the Respondent overall. The area that struck me the hardest and most damaging to me was the statement Judge [redacted] wrote in the final decree paperwork on page [redacted] of the Final Consent Decree. See ATTACHMENT #1 for page [redacted] of the final consent decree dated [redacted].

On page [redacted] under THE COURT FINDS it states " [redacted] "

It is more than clear based on what is documented by Judge [redacted] on page [redacted], that Respondent [redacted] attempts to bias and sway the Court that Petitioner [redacted] was " [redacted] " in the country AND POSSIBLY DEPORTED convinced the Judge and the Judge used it in his final consent decree paperwork and the rulings were mostly in favor of the Respondent.

Judge [redacted] was bias and ruled vs the Petitioner after stating in the final consent decree that the [redacted] Judge [redacted] allowed Immigration-Status/Immigration related matters to enter into [redacted] matters and therefore Judge [redacted] discriminated vs the Petitioner based on Immigration Status and the chances of deportation occurring.

[redacted] falls under [redacted] and [redacted] is federally assisted/funded. One's immigration status cannot be used to discriminate nor to exclude one from " [redacted] " or " [redacted] " in federally funded services, programs or activities.

The Judicial misconduct by Judge [redacted] is stated in Canon 3, Comment 3. See ATTACHMENT #2 for Canon 3. Judge [redacted] discriminated based on race, national origin, ethnicity and socio-economic status. Immigrant status should not even be brought up in this court much less stated in a divorce consent decree.

Petitioner of [redacted] is asking that Judge [redacted] be disciplined and Petitioner's affected areas by Judge [redacted] be reviewed and opened for discussion if at all possible.

Sincerely,