

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-317

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner issued erroneous rulings and was biased against her.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner 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: January 29, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on January 29, 2018.

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

COMP

2017-317

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

To Whom It May Concern:

My name is _____ I am contacting you because I really don't know what else to do. My _____ has been in my care for _____ and _____ She is _____ She came to me after her _____ I was asked to take her because her bio parents were into heavy drug use. Heroin, pills, marijuana etc. There was a car accident on the way to her _____ in which she was in the car and her parents were high, fighting and crashed their car into a concrete city sign. They were living with her _____ at the time who were allowing the drug use to go on in their home. She had never had immunizations, never been to the dentist, and they did not have her signed up for school. She would sit in a dark room all day everyday watching movies while her parents slept.

Also _____ is a felon, and _____ was under investigation for another incident _____ so that was another reason for her removal and placement with me. Both bio parents did nothing for a long time to get her back. _____ rights were severed in _____ was in jail for armed robbery and narcotics for _____ of _____ after _____ was released, there was a severance trial. Judge _____ told _____ she was giving _____ one last chance, but she was going to “ _____ ” So supervised visits were started. The next hearing was scheduled for _____ did attend every visits for those months, and attended some classes. But did not secure housing (in fact _____, did not provide proof of income and had multiple diluted and positive _____ So again _____ were asking for severance. I also provided _____ a video of _____ dated _____ high on drugs that was found on a phone _____ gave to my _____ There was also _____ on the phone _____ gave her. In the meantime, _____ had been seeing a _____ Wher _____ asked her how she felt about going back with her _____ she told them she liked visiting _____ but did not want to live with _____ They encouraged her to be honest with anyone who asks her this. The _____ set up a private meeting for _____ to meet with Judge _____ before the last hearing. _____ was nervous, but I assured her everything was going to be fine and to just be honest with the Judge. She met with Judge _____ for approximately _____ She came out all excited and said the Judge told her _____ Fast forward to hearing.. _____ again informs me before we walk in that they are going to be asking for severance. I asked to speak in court that day. For the first time. I have attended every single court date for the last _____ and sat back quietly while _____ has been allowed to take the stand and state lies about me. I always felt like I had faith in

the system, and in the end, things would work itself out. Boy was I wrong! I had a very nice speech I had worked on. I was not going to speak badly about anyone, even though my character had been badgered by [redacted]. I just wanted to be a voice for [redacted] and state what I felt was the best interest for [redacted]. Judge [redacted] started the hearing by saying that she had met with [redacted] and she was very angry because [redacted] " [redacted] " to [redacted]. The [redacted] presented their evidence and were asking for severance. They explained [redacted] had not been working his plan. They presented his [redacted] results and tried to tell her about the [redacted] on the phone had given [redacted]. Judge [redacted] basically ignored all that and continued to go on a rant about being [redacted]. She completely disregarded everything else. I was humiliated and baffled as I sat there wanting to at least be able to defend myself. I raised my hand and said " [redacted] ?" She glared at me and said " [redacted] !" She did question [redacted] about his multiple diluted and positive [redacted] and he said it was because of [redacted]. She said " [redacted] ' Not asking for a doctor's note or any other proof. She set another hearing for [redacted]. A few days later, [redacted] comes to our home and first visits with [redacted] again tells her she does not want to go live with [redacted]. Afterwards, her [redacted] speaks with me and tells me with tears in her eyes, that [redacted] is going back with [redacted] in the near future. I asked her how this is possible if [redacted] doesn't have proven sobriety. She said she didn't know, but there was some meeting in [redacted] with the Judges, and they were told if parents are somewhat working their plan, to send children home? I have no idea if this is true or not. I then emailed my [redacted] and she said yes the Judge has decided to send home with [redacted] and there is nothing we can do about it anymore. I questioned her on [redacted] sobriety and she again said this is what the Judge has decided and that the Judge feels like Okay...let's just say I did (I didn't), that makes it okay to send a child home with a current drug user??? Something is not right in that courtroom. Every time I go, it is literally like a circus. Nobody is organized. [redacted] attorney ([redacted] is allowed to yell, throw things around and glare back at me. The [redacted] seem to just back down after that. There is nobody standing up for [redacted] ! It is crazy! In between [redacted] hearing and [redacted] hearing, [redacted] did obtain an apartment and a job. But I had been made aware [redacted] is still using. My [redacted] wrote a letter of concern to the [redacted] and [redacted] before the [redacted] hearing that there was an incident with [redacted] and [redacted] hanging out at [redacted] apartment and shooting up together. [redacted] called my [redacted] upset because [redacted] had another altercation with [redacted] and [redacted] wanted to go to re-hab. [redacted] said [redacted] shot up in front of [redacted] and has track marks up and down [redacted] arms. The [redacted] did confirm with [redacted] that he had [redacted] at [redacted] apartment that day. This was not presented at the [redacted] hearing. What was presented was that [redacted] did not submit to any [redacted] for the whole [redacted]. Again, Judge [redacted] brushed that under the rug, not questioning [redacted] about that at all. She then commended him on what a great job [redacted] doing and ordered [redacted] back with [redacted] on a slow transition. She will be fully re-unified with [redacted] by [redacted].

I have known from the beginning that the goal has always been re-unification, and I am fine with that. But to a certain extent. This is [redacted] and I need to know she is going to be safe. And at this point, I feel helpless. There are many, many people concerned about this case.

[redacted] (who has been there through all of this since the beginning and loves [redacted] dearly), [redacted] EVERYONE agrees something is not right. At this point, I feel so helpless. I have looked into hiring an attorney, but was told it won't help since I am not a party to the case. I have written the Ombudsmen, the Governor's office, and now you. Please look into the case, pull the transcripts, look at the evidence, talk to everyone involved and they will agree.

