State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-394

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge had a conflict of interest on her family law case and improperly denied her temporary custody.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the Commission found no evidence of ethical misconduct and concluded that the judicial officer 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: April 18, 2019

Copies of this order were distributed to all
appropriate persons on April 18, 2019.

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

On   , I went before Judge   seeking safety for both myself and my
        son,   I informed the Judge that   Dad had been arrested for violently   and
            me while threatening to kill me throughout the assault. I was requesting an Emergency Temporary
Custody Order for my son. I also informed the Judge that I had an Order of Protection that had been granted the
day prior on   I explained that my abuser,   , was currently
and scheduled for   on   Judge   also presided over
arraignment on criminal charges that included aggravated assault by   and ordered his release.

In my mind, I assumed Judge   would understand the extreme nature of the assault on me, and
recognize the safety concerns I had for my son as a result. I have no legal background and, therefore, was unable
to articulate the threat I felt for my safety and for the safety of my son based on a   history of abuse that
culminated in this final incident. My petition was denied.

        days later, on   my abuser's attorney filed a motion in response to my original petition
for .   Custody that was denied to me. The motion was to ask the court that he   be
awarded emergency temporary custody. His motion was based solely on false statements against me. I was
never notified of a hearing, nor did I have an opportunity to address the court. Judge   the same Judge
that denied my petition and released   from   . granted his request. **This request was granted despite the
fact that my abuser has been   of the abuse of a child.**

At this point, I retained legal counsel. Given the fact that Judge .   with my abuser's
attorney, and the fact that they are also close personal friends, my attorney filed a motion asking the Judge to
recuse himself from the custody case. He granted this request and recused himself from the   matter, but not
the   case. He will again be presiding over the   matter   at my abuser's next
hearing.

For   '   . I lived with a man who has beaten me down in every way possible: physically, mentally,
emotionally, verbally, economically, psychologically, even threatening to rape me- and now by manipulation of
the legal system. I had tried to leave him many times, but was always coerced into going back to him because of
my children. After the last attack, it was only by the grace of God that I was able to escape with my life. I
expected that once I reached out for help that the judicial system would behave in a way that was fair and just.
My experience has shown me that it is possible to be victimized yet again. I learned that the day I put my son
into the   . as we both held back tears, so that I could be compliant with a court order re-
issued on   by Judge   - who, as I stated earlier, has been recused from the custody
case. I believe this Judge should have recognized that he could not be impartial since there was a conflict of
interest. My son, therefore, has suffered the consequences.

My abuser took away my power as a woman. The judicial system has now taken away my power as a Mother.

Thank you for your time and consideration in this matter.

Sincerely,