

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-149

Judge:

Complainant:

ORDER

August 20, 2020

The Complainant alleged a superior court judge exhibited bias in a family court matter.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 20, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

20-149

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: The Honorable _____

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.

On _____ Respondent ("Father") filed an Affidavit of Change of Judge for Cause. Father met the requirements of Rule 6.1 of A.R.F.L.P. where Father provided evidence that Fathers Affidavit was not subjective due to a Minute Entry filed by the court against the opposing council;

The main issue is that the Honorable Judge _____ has not entered sanctions against _____ and gave no verbal warning to her. This is just one example among many other situations where the Honorable Judge _____ has displayed neglect and/or bias against the Father. Other examples can be see in Fathers Affidavit for Change of Judge.

On _____ The Honorable Judge _____ Denied Fathers Affidavit. Father believes that the court Order appears to have given The Honorable Judge _____ the benefit of the doubt by default and it implies that all Father needed to do was request relief or file for an appeal under Rule 83 and 85 A.R.F.L.P. However, Father has already done just that on several occasions but was subsequently denied at ever turn.

Therefore, Father is respectfully requesting the Commission on Judicial Conduct please review the most recent ruling filed by the Honorable Judge _____ and the Affidavit for Change of Judge.

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF

In re the Marriage of:

Petitioner,

vs.

Respondent.

Case No:

**AFFIDAVIT OF CHANGE OF
JUDGE FOR CAUSE**

(Assigned to The Honorable

Respondent (“Father”), representing self, submits an Affidavit of Change of Judge for Cause under Rule 6.1 of the Arizona Rules of Family Law Procedure (A.R.F.L.P.) supported by A.R.S § 12-409 (B5). Under the requirements of Rule 6.1, Father must prove that this Affidavit is not Fathers subjective opinion and must meet the -day discovery timeline. This is fully supported in Exhibits A and B.

- Exhibit A: ME filed by the court on is Fathers evidence that this Affidavit is not Fathers subjective opinion.
- Exhibit B: ME filed by the court on is the evidence Father is using to meet the day discovery window.

On Mother's Attorney committed serious acts of unethical behavior (**See Exhibit A**). There has been a long trend of previous vexatious behavior none of which Judge ever addressed or cautioned Mothers Attorney on. For 15 months, Father fell victim to this, among a *long list of other issues* (months prior).

1 After Father received a copy of the ME in (Exhibit A), Father believed
2 it best to give The Honorable the opportunity to finally put a stop to
3 vexatious behavior (e.g. slander and lying) and enter sanctions against
4 her. Father was forced to wait months until a status conference was held in this
5 conference was originally scheduled for but was delayed (See Exhibit B). During
6 this conference, The Honorable Judge failed to act and enter sanctions or at the
7 very least, give caution to the Mothers Attorney Furthermore, Father was
8 the one who was relentlessly berated openly in court by The Honorable Judge
9 Father was given very little chance to speak and this has been a trend that The Honorable
10 Judge makes routine. According to the State Bar Association, "the Judge is the
11 proper venue for ongoing litigation cases". Only now is Father able to meet the
12 requirements of Rule 6.1 via Exhibit B and able to file this Affidavit.

13 Months Prior List

14 The requirements under Rule 6.1 does not limit this Affidavit from including any
15 history of bias/prejudice outside the scope of Exhibits A & B just so long as the
16 requirements of Rule 6.1 are met by Exhibits A & B.

17 1) JUDGES ORDERS ARE BIASED/PREJIDUCE AGAINST FATHER

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- 20 a. Judge Denied Fathers Motion to Appeal Temporary Orders hearing
21 held The Court's justification for the Denial is that Father
22 should file a Motion for Temporary Orders instead. Father then filed a
23 Motion for Temporary Orders and it was subsequently dismissed
24 without just cause.
- 25 b. Judge ignored material evidence (Vocational Evaluation on Mother)
26 and continues to force Father to pay for all community expenses,
27 cost for and even though Father has insurance which covers
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1 therapy, and spousal maintenance to the Mother. Mother is not
2 disabled, has a Bachelor's Degree, and fully capable of working at a
3 higher level.

- 4
5 c. Judge Ordered Father to pay child support for both children although
6 one of them resides with Father. Several of Fathers councils all agreed
7 that there was a mistake on the child support worksheet and Father had
8 been and continues to overpay on child support.
9 d. Judge makes it a habit on berating Father openly in court.

10 2) JUDGE ALLOWED VEXAIOUS BEHAVIOR FROM OPPOSING COUNCIL

- 11 a. Lies were blatant on court documents and not corrected.
12 b. Slander is continuously allowed from opposing council. Mother's entire
13 case revolves around Mother refers to as
14 Fathers "girlfriend" even though Father has repeatedly denied this and
15 repeatedly requested Mother's council to stop using that term. Arizona
16 is a known no-fault state. The Honorable Judge continues to
17 allow Mothers attorney to use slander and defamation unethically as a
18 tool to embarrass father and paint Father in a terrible light.
19 c. Opposing Council attacked Fathers disability in effort to use the
20 full amount in child support/spousal maintenance calculations which is
21 contrary to Federal Law (*Rose vs Rose*).

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23 3) JUDGE IS ABUSING HER POSITION AND EXERTING HER POWER OVER
24 FATHERS PARENTAL BILL OF RIGHTS

- 25 a. Judge accused Father of dictating his scheduling with the Therapeutic
26 Interventionist even though Father was the one originally wanting
27 Therapy for and was denied by Mother.
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- b. Father wanted Counseling for _____ to be covered under Fathers insurance but was coerced into signing a Rule 69 agreement for a _____ & _____ The agreement did not include a length of time or cost.
 - c. Judge Ordered _____ Parents _____ old daughter) to “return” to Arizona even though she was never a resident of Arizona and it wasn’t in the child’s best interest. _____ grades had taken a massive hit and _____ has become inherently rebellious. Arizona was not the home resident State and was supposed to be temporary.
 - d. _____ made allegations with no evidence to support her claims.
 - e. _____ made false and misleading claims. When Father asked that the record be amended to include the whole picture where Father has evidence to support the correction, the request was denied. The report still includes statements that are designed to be one-sided against the Father.

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4) JUDGE IS ATTACKING FATHERS VA MEDICAL RECORDS

- a. Judge Ordered and forced Father to sign the release of Fathers medical records. Father believes the records are to embarrass Father and will be used as an excuse to allege that Father is not able to be a resident parent. When Father submitted a Motion for Protective Orders, The Honorable Judge _____ would not grant the Motion.
- b. Since The Honorable Judge _____ chose to allow the attack on Fathers records to continue, Father requested an alternative Order where Father asked for Mothers medical records in return, the Judge replied, “I don’t do tit for tat”. This is contrary to Rules of Family Law Procedures for Protective Orders where Father has the right to ask an equal disclosure in return, especially something as sensitive as medical records.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**