

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-207

Judge:

Complainant:

ORDER

October 15, 2020

The Complainant alleged a superior court judge improperly issued a temporary order without notice in a family law 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 member J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 15, 2020.

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

FOR OFFICE USE ONLY

2020-207

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 _____ failed his duties as an agent of the court by hearing and rendering a decision on my case. The first violation is that the request for a Pre-Decree Temporary Order without Notice for Legal Decision and Physical Custody shouldn't have been heard without orders already filed with the court. Not only were there no orders, my husband used this opportunity to file everything on the same day as the Temporary Order, allowing me to be completely blind sighted, by not only losing temporary custody, but also a divorce decree demanding alimony. Judge _____ still allowed the case to go forward.

Within the request my husband and/or his attorney acting on his behalf, listed two false claims to get the temporary order. Both of which would have been easily identified as false if the judge actually acted appropriately as an unbiased observer and asked a few questions or actually required proof of the allegations against me.

The first false statement that was used in order to remove custody from me; there is an open DCS case. There was no open DCS case and in the subsequent hearing I was able to provide proof from DCS that a case was not opened. This is problematic for me to grasp that a Judge in family court is not well versed in the activities of DCS. Judge _____ first red flag should have been that DCS does not open cases for child-on-child crimes, those are referred to the police jurisdiction in which the incident happens. Also it took me a 5 minute phone call and a 2 hour wait for a follow up email from DCS to be told there was no open case against me. My only conclusion is no proof was provided and only the word of my husband was used against me.

The second false statement that was used in order to remove custody from me; _____ policy was investigating the matter. Not only was _____ not investigating me or the incident. If Judge _____ would have looked at my address, which is clearly visible on the order, he would have seen that my location was in _____. It's distressing to me that Judge _____ didn't even question a completely false statement was even contradicted within the order. This should have at least raised enough questions to require a hearing WITH notice.

These two false statements lead Judge _____ to severally restrict my custody and visitation of my son. A son that had been kidnapped from me and held in an undisclosed location so this order could be done behind my back further justifying the kidnapping of my son. My husband who stood before you and claimed I was a danger to my son, on the follow up court case he said on the record that joint physical and legal custody was in the best interest of our son.

It's not lost on my that THREE MEN decided in secret to take custody away from a mother, who wasn't even allowed a voice. I would not be surprised if Judge _____ record shows a possible bias, even unconscionced bias, towards mothers, but I have no faith in accountability and will use my votes and voice to make sure there is accountability. I come to this conclusion because that is easier for me to understand and even accept him being biased towards women, than that Judge _____ was derelict in his duty as a sworn officer of the court.

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