

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-256

Judge:

Complainant:

ORDER

December 16, 2020

The Complainant alleged a superior court judge made erroneous rulings and showed favoritism toward the opposing party 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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 16, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020 - 256

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.

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I am _____ of _____ Arizona, parent in *In re the matter of* _____, in the Superior Court of Arizona _____ Country which concerns modification of legal decision-making, parenting time and child support.

This case came before Judge _____ who engaged in misconduct by revealing a high degree of favoritism for the respondent which goes against Canon 3 of the Judicial Code of Conduct. While preference for a party may be shown based on information learned from the case, preference was shown for the respondent for no reason that was apparent. This preference was also undeserved based on the evidence. Judge _____ also made up her mind before all evidence was presented which shows reason for reversal and in spite of evidence that was presented.

The American Bar Association states that “even appearing to have decided the merits before the close of evidence is reversible.” Too, the ABA states that “trial judges must maintain not just fairness but the appearance of fairness; otherwise counsel and the parties will lose faith in the impartiality of the judiciary.” Judge _____ did not maintain an appearance of fairness.

1. Judge _____ made a decision contrary to the evidence without explanation.
2. In spite of a forensic evaluation recommended by _____ court appointed advisors and a previous judge, Judge _____ overruled due to the respondent’s financial situation.
3. Judge _____ lowered the respondent’s child support obligations to _____ thus not requiring the respondent to be held responsible for her own children. This appears to be favoritism as Judge _____ had already ruled that _____ would not be required to complete a forensic evaluation due to lack of finances.
4. The respondent chooses to live _____ yet Judge _____ believes the drive the respondent will be responsible for to see her children is a burden.
5. Judge _____ made many inappropriate statements that showed favoritism for the respondent as outlined below.
6. Judge _____ dismissed all of my concerns for my children’s safety and dismissed evidence that showed that the children have been placed in danger by the respondent on numerous other occasions.

This case goes back to _____ Prior to _____ when Judge _____ was appointed, the case went before the Honorable _____ suffers from a mental disorder which the Honorable _____ believed to be serious enough as to warrant a forensic psychiatric evaluation. This was in _____ was to have the evaluation before unsupervised parenting would be granted. _____ never received this evaluation.

In _____ when this case came before Judge _____ Judge _____ declared that she would not uphold the Honorable _____ order. She stated that because _____ was “_____” she could not afford to have the evaluation done. This was in spite of the fact that _____ was offered a payment plan in _____ and refused to accept.

It appeared in the _____ conference as well as in the preliminary hearing in _____ and in the final evidentiary hearing in _____ that Judge _____ was either unfamiliar with the history in this case or willfully showed favoritism toward _____ despite the evidence.

In _____ Judge _____ did appoint _____ who reported in _____ that she believed that based on the evidence she had gathered that she did “

_____” _____ went on to state that she “

”

Because of the nature of this case and the recommendations made by _____ court appointed advisors as well as a judge for _____ to submit to a forensic evaluation, there is question as to Judge _____ decision.

_____ was diagnosed in _____ with _____. This mental illness placed her children in danger on numerous occasions. She started a fire in the bathroom next to the bedroom in which her children were asleep; she neglected the children, keeping them in the basement for hours when they were toddler; she left one of the children in the car in Arizona to sweat out a fever. There is ample reason to believe that she is not fit to have unsupervised parenting.

_____ has also put a child she had from an unknown man in danger. In _____ she was arrested for claiming she was going to decapitate the neighbor's cat and walking around the neighborhood with very little in the way of clothing. At this time, _____ temporarily lost custody of the child she had with the unknown partner.

It seems strange that _____ would not take any of this into account and rather than refer to _____ known diagnosis of _____ spoke only in terms of a traumatic brain injury that sustained in _____

Too, _____ has always claimed that she has been unable to work due to numerous illnesses. Yet she states that she is well enough to care for her children. Rather than question this logic, Judge _____ reduced _____ already low and sporadic child support payments from \$ _____ to \$ _____ which is virtually unheard of. _____ states that while there is a credit given in the child support guidelines to cover any other children outside of the case that “

”

claims that, “The Court wants to see all children treated fairly and not be disproportionately burdened by a parent’s low income status. A.R.S. 25-501 (C) maintains that a parent’s child support obligation should take priority over all other financial obligations.

Judge _____ stated at the beginning of the _____ evidentiary trial that she did not plan on upholding the order for a forensic evaluation. She said this before evidence was presented. Furthermore, the case was decided without evidence. Although evidence and witnesses had been listed they were not included in the hearing.

Judge _____ ruled that after _____ more counseling sessions, _____ would be granted unsupervised visitation. The number _____ seems arbitrary. _____ has been receiving counseling for _____. There is no reason to believe that _____ more sessions will accomplish a healthier mental state.

herself, stated during this hearing that she thought the extra sessions would be good so that she could continue to work on healing from the marriage that ended years ago. Not only does it not seem as if counseling sessions will address the problem at hand, I believe that agreement is problematic. gives many reasons for her absence in her children's lives. She has stated on numerous occasions that she was either too ill to attempt to see her children or that she did not have the money. It was only in that she sought to see the children in a supervised setting claiming that she had not done so before because the drive from where she lives, to would be too long and the dollar cost of the supervised meetings would be too costly to be worth it. has not done much on her own behalf to enact her parenting rights and yet Judge ruled on her behalf.

Judge made inappropriate and unfair statements. She stated that had been through a lot and had done a lot of work on herself. There is no evidence that this is the case. It seems that Judge analysis of as and indigent woman who has " " and "been through a lot" led her to unfairly rule in a manner that was not in the children's best interest.

Furthermore, while Judge found time to be a factor in her belief that had " " Judge did not take time into consideration when making a decision for parenting time. has been absent for Prior to now, had gone years without attempting to contact her children and has never asked for a set time in which she could converse with her children on the telephone.

In a case meant to decide visitation and child support, the decision should be made in the best interests of the children but Judge ruled on behalf of best interests, evidenced by her statements. Declaring that had gone through a lot shows favoritism for the respondent.

At another point in the trial, Judge stated that already " " involving that this was a burden. It should have been noted that chooses to live in The term " " implies that an unfair burden is being imposed on when in fact has placed this burden on herself.

My attorney, stated that there was concern with driving. has admitted at various other times that she cannot drive at night. Judge scoffed at this concern in spite of own admittance that there were issues and in spite of the fact that takes many medications that would, indeed, interfere with her ability to drive.

Judge ruled that, nonetheless, had the right to pick the children up from school. Not only does this dismiss the concern of the danger imposes by driving but it also dismisses the fact that I have, in the past, had an order of protection against and have had, until Judge was on the case, the right to protect my personal information. Because in the past, has attempted to pick up the children from school when she was unsupervised, an order of protection was granted. Due to the nature of consistent harassment, my phone number and home address have been protected. Judge dismissed testament pertaining to harassment and ruled that would be given my address and phone number.

Judge also ruled that custody would continue to be joint custody. She ruled that I must provide all of the information from the children's providers.

**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.**