

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-359

Judge:

Complainant:

ORDER

March 24, 2021

The Complainant alleged a superior court judge was biased against him and improperly vacated an enforcement hearing 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 members Barbara Brown and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 24, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-359

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.

To whom it may concern,

I am the father of a _____ caught in the middle of a _____ case assigned to Judge _____.

I am not an attorney, nor do I pretend to be one, I am pro per, not by choice but because I can no longer afford legal representation.

I have filed this complaint today, against Judge _____, for the purpose of Justice.

This complaint is not about a specific decision by the judicial officer, it is about Judge _____ actions.

I am respectfully asking this commission to look into Judge _____ actions described in the attached Motion filed today

I am asking this commission to determine if the law was followed and to determine if there was any impropriety, unethical behavior, violation of any laws or statutes, including obstruction of justice and/or judicial bias.

I understand it may be difficult for Judges to deal with pro per parties, yet it should never be an excuse to deny a pro per justice, or to treat a pro per without fairness or respect.

A judicial officer assigned to a case with a child in a middle of a custody dispute needs to be impartial, without any favoritism or an inclination for a party, otherwise the Judicial officer is acting against the best interest of the child.

A loving concerned father.

1 to comply with the Court Orders. Resulting on [redacted] not being able to see or speak to
2 his Father since the Orders were entered on [redacted]

3
4 On [redacted] following a conference due to Mother relocating with the child out
5 of state without Father's written consent or the Court's prior approval, The Court set
6 an evidentiary hearing for [redacted] and affirmed all existing orders.

7
8 On [redacted] Father filed with the Court a Petition to Enforce Parenting Time,
9 and in accordance with the [redacted] Rules, an Enforcement conference was set
10 by the Family Court Administration for [redacted] before a Commissioner.

11
12 On [redacted], The Judicial officer assigned to this case ordered vacating the
13 Enforcement Conference set by the Family Court Administration, and ordered for
14 Father's Petition for Enforcement to be heard [redacted] later at the
15 evidentiary hearing regarding Mother's relocation.
16

17 The Judicial officer was aware that as per Court rules and ARS 25-411,
18 Petitions for Enforcement of parenting time are time sensitive, and are processed by
19 the Family Court Administration who provides the parties with an Order to Appear
20 within [redacted] of service, in front of a commissioner.
21

22 Yet, the Judicial officer in this case intentionally chose to shield Mother from
23 any timely accountability, this when:
24

25 The Judicial officer was aware that Mother was violating the court orders
26 entered on [redacted] and affirmed on [redacted]

27
28 The Judicial officer was aware that Mother was violating ARS 25-414 Violation

1 of parenting time and 25-408 Denial of relationship between and his Father.

2 The Judicial officer in this case is knowingly allowing Mother to keep violating
3 the law.
4

5 Furthermore, Mother actions are synonymous of Alienation or Gatekeeping,
6 some mental health experts even believe that Mother's behavior should be construed
7 as Child abuse.
8

9 This form Psychology Today "in general, the following types of behavior are
10 considered child abuse or neglect":
11

- 12 • Using excessive extended periods of isolation as a means of controlling
13 your child's behavior.
- 14 • Knowingly allowing your child to be emotionally harmed.
- 15 • Being unwilling to seek out or provide your child with medical treatment
16 that is essential to his or her ability to function,
- 17 • Taking any other intentional action that poses a threat to your child's well-
18 being, or that results in significant emotional harm to your child.

18 In this case, Mother has prevented Father and to have a relationship for
19 over since the orders, Mother also prevented to have any
20 contact with any of his paternal family, including his () half-brothers, nephews,
21 uncles and his grandparent.
22

23 Mother is also denying therapy, Mother denied therapy from
24 to the day after she notified the Court of her relocation (), and
25 now claims that before can speak to his Father he needs therapy, which after her
26 move out of town and the purchase of a \$ home she says she cannot afford.
27
28

1 As per the decree, Father is to pay for child support and Mother to
2 provide for health care.

3
4 The judicial officer in this case is aware of all these Facts, as Father has filed
5 with the court prior to the conference a Petition for Modification of Parenting
6 Time and for Contempt, as well as a Motion for Mental Health Evaluation of Mother
7 Pursuant to Rule 63, both filed with the court on
8

9 Both were discussed at the conference but not ruled on or taken into
10 any consideration

11 CONCLUSION

12
13 As per the Court Orders entered on and affirmed on , Father is
14 entitled to up to of parenting time.

15
16 Father wants to see his child and have a meaningful relationship with him.

17
18 Father lawfully sought enforcement of his parenting time.

19
20 Mother is continuously unlawfully denying Father's parenting time and access
21 to his son .

22
23 By denying Father's opportunity to have Mother be held accountable at the
24 scheduled Enforcement conference set for , the Judicial officer is complicit in
25 allowing Mother to continue her criminal actions unchecked.

26
27 The Judicial officer had an obligation to be fair and impartial.

28
In this case, the Judicial officer by its actions has shown without a doubt a bias
and prejudice against Father and acted against the best interest of the child.

**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.**