

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-037

Judge:

Complainant:

ORDER

May 19, 2021

The Complainant alleged a superior court judge refused to consider her letters, did not afford a party a full opportunity to be heard, and made erroneous rulings 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 Christopher W. Ames did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 19, 2021.

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

FOR OFFICE USE ONLY

2021-037

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 _____ made his UNDER ADVISEMENT RULING on _____ with no consideration to the original Court appointed family evaluator assigned by Judge _____. When the _____ wanted and would not relent to an additional " _____ Judge _____ appeared reluctant and stated the Court Evaluator was sufficient, _____ and her attorney continued to press the issue and stated " _____ would pay for an outside " _____ and the Judge relented and approved their request. AGAIN, he seemed (and stated) he was satisfied and supported of the Court Evaluator but agreed to their request. Of course what could _____ and his attorney do but agree????? They (_____ attorney) pressed for a FULL EVALUATION, but the Judge said, no, a " _____ was sufficient.

When the outside " _____, chosen by _____ and her attorney, proceeded to set up interviews it included me (_____ Mom). I spent _____ with this " _____ and he wanted to provide _____ but I was done when he stated he was giving _____ and her attorney a DISCOUNT for this evaluation. At that point I knew he had already decided his outcome and he was surprised that I would care he gave them a discount. Of course, he was chosen by THEM. He kept asking me why this would upset me: I said: because the Judge seemed reluctant to even agree to the " _____ because _____ and _____ has ALREADY been through the Court Evaluator and he only did so AFTER they pressured and stated they would PAY for it. So to give them a discount shouldn't be allow. Of course it still cost _____ lots of money related to the Report because his attorney needed to review it and be prepared for the next Court date that included this " _____. BEFORE the " _____ would release the Report -- which was approved by the Judge at their request he demanded the Report have a Protective Order put on it to ensure _____ (the son) couldn't read it and this also included me. I was a PART of the Report but NEVER was allowed to read it and/or respond if my statements were in fact correct; and have an opportunity to counter any statements that were made " _____ to be valid and reliable. Doesn't seem ethical????

When _____ asked why the Court Evaluator's Report was not taken under consideration, NO RESPONSE OR REASON WAS GIVEN. When _____ asked why the _____ of _____ counseling records were not included in the report, NO RESPONSE OR REASON WAS GIVEN. So a Report that the Judge seemed reluctant to allow, became the SOLE basis for the UNDER ADVISEMENT RULING even though it was not vetted by ALL PARTIES participating in the Report.

After frustration and disillusion with these Court actions over the past _____ I wrote Judge _____ my ATTACHED letter, but received a response from the Judge's office that stated since I was NOT a " _____ to the proceedings he could not take my letter under advisement. Very disappointing and his office would NOT speak with me as to " _____ considered, again, because I was not a Party to the proceedings and was told to have _____ attorney submit it. When _____ mentioned it to his attorney she didn't seem to " _____ why anyone would say that??? I knew about the Commission on Judicial Conduct because when I vote in the General Election there is always a huge list of Judges to " _____ or " _____ and it is my understanding this Entity has a part if a voter wants to make inquiries about the

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continued...

Judges. So I sent a copy in on _____ when I hand-delivered it to Judge _____ office, but did not have any other accompanying documents like this form at the time.

My letter states the concerns I had with the UNDER ADVISEMENT RULING being based on that document and stating that I did not believe the Report should have been used to produce the Ruling when in fact one of the participating people (me) was not allowed to read, review and validate my statements.

THEN, when _____ and her attorney received the UNDER ADVISEMENT RULING; _____ called _____ counselor --the one that no one wanted to read her notes or contact her " _____ ' even though the Report made statements about what " _____ ' about _____ And when _____ told her what the Report stated, she told _____ that was NOT TRUE. She and _____ had a good relationship and she believed taking _____ away from his " _____ ' his Dad it would be detrimental to _____ indicated to _____ counselor, ON THE VERY EVENING SHE RECEIVED THE RULING, the counselor needed to tell he was not going to be able to see his Dad because he (_____) wasn't going to go to counseling. COMPLETELY FALSE and premature and _____ was very distraught. By the way, later I took _____ to his counseling appointment (first time his Dad wasn't able to) and she called me into the office to be there when she APOLOGIZED to _____ for doing that but she ' _____ ' an attorney and didn't know that the Ruling was NOT a final Ruling yet. She complied with what his Mom (and I believe her attorney) told her.

THEN, when _____ and his attorney called to let the Judge know what _____ and her attorney had done, I believe it took him over _____ to even set up a phone meeting. THEN, when that phone meeting took place and _____ attorney explained how _____ had made decisions based on the UNDER ADVISEMENT RULING when _____ had NOT made any final decisions (but alas the Report stated he wasn't going to go to counseling ...really???) . Her attorney kept interrupting the Judge to the place that he told her: I don't interrupt you please don't interrupt me. After _____ into the phone meeting _____ mentioned his father-in-law had just passed away; the Judge ABRUPTLY stated under frustration: I know what I'm going to do and hung up. _____ and his attorney thought this might be a good sign that he would review his Ruling; but alas, he hung up without giving _____ or his attorney any more time to respond and promptly SIGNED HIS RULING AS A FINAL RULING.

There is so much more to these issues, but it is clear, the Judge, the " _____ ' chosen and paid for by _____ and her attorney, are all against _____ A dad who raised his son when the mother did her ' _____ ' and now is trying to be the mother of the year. _____ has consistently stated he wants to see his mom but wants the majority of his time with his Dad. But the Report and Ruling state that _____ isn't able to make that decision even though he is _____ Really, he's a straight A student in the _____ since _____ and EVERYONE around _____ respects him. He IS CAPABLE, but _____ has ALWAYS wanted to take _____ from his Dad and has even stated that she knows that's what _____ wants. Not because it's easy but because it was his DAD who was the main stabilizing person in _____ life.

RE:

Honorable

My name is _____ and I am the Mom of _____ who has been before you for the past _____ in dissolution of marriage and custody issues. \$ _____ later I am extremely disillusioned, disappointed and disgusted with both the outcome from this latest Ruling and lack of honesty and integrity from the other parties that enabled a decision contrary to the real facts. In all of the hearings there has never been a proactive process to provide the Court with the “ _____ ” has done for both his Ex-wife and _____. Everything came down to “ _____ ” of allegations, innuendoes, half-truths and outright lies against _____. I even said to his attorney: when are you going to talk about the positive things that _____ has done for his family, his extended family and his friends who then turned against him in these proceedings? However, unfortunately the “ _____ ” never came out. Therefore, the Court was left to evaluate all of the negative, self-serving, bias information – especially from what you called a LIMITED FAMILY EVALUATION that turned into a one-sided, bias, personal bashing of my Son. Really nothing good in the Court Ruling to be reported about _____? Seriously, not one good, positive remark on _____ character, his love of his son, nothing? He doesn't drink, doesn't take drugs, didn't smoke for _____, doesn't beat up his wife, helps others when they ask, and is always there for his family (even to take _____ with her family then ours as a support for his ex-wife.) Nothing????

And this Ruling seems to be mostly based on the reporting from that “ _____ ”, even though you *seemed* reluctant to allow it until they said “ _____ ”. My son and grandson had already been through the Court Appointed Evaluator process. I was asked to participate which I did both willingly and with authenticity and vulnerability – and then the other side asks for an Order of Protection against anyone reading the outcome of the Report – and I don't even get to read the report, or comment on the authenticity of my statements and feelings related to my participation? Any common, simple-minded person understands “ _____ ” with regard to research, evaluations, counseling, that accountability and validation of the qualitative research needs to validate the findings from the participants. That NEVER happened with me. How is that fair, reasonable, ethical, or just plain “ _____ ”? Again my son tried to be cooperative and very grudgingly agreed, but again to his detriment they (ex and her attorney) were once again in complete collaboration with the “ _____ ” that THEY CHOSE with no regard to legitimacy of the Report with respect to my comments, statements, feelings, etc. and I did not get to respond regarding comments made by “ _____ ”. Her attorney was in such direct communication and collaboration with the “ _____ ” that she didn't even READ THE REPORT and wasn't ready _____ (the Court date was postponed from _____ to _____) at the Court date. But YOU gave her MORE TIME to read the Report and provide comments to my son's attorney for response. Well, my son's attorney had ALREADY read the Report with a fine tooth comb (which of course my son paid for her time) and was READY with questions at the Court date. The “ _____ ” admitted under Oath at the Court date that he had been in contact with her attorney prior to the Court date to discuss it. So instead of Reading the Report her attorney knew exactly what they (her attorney and the “ _____ ”) were going to say and how they were going to present the information from the Report. Her attorney also admitted that she had given the “ _____ ” the opening statements to be presented by my son's attorney in advance of the Court date. Couldn't that be seen as possible collusion, illegal, unethical, immoral and/or downright “ _____ ”? Doesn't this smack as “ _____ ” my son?

Before my " " with the " " chosen by the ex-wife and her attorney, I had to sign a document that *basically* stated: anything I say can and will be used against you in a court of law. The very first question at my " " with the " " asked if I understood that " " and that everything that I say will be PUBLIC RECORD. Again, I stated I understood that; because I had already SIGNED A DOCUMENT to that point. BUT, GUESS WHAT that was NOT THE CASE and I was excluded by an " " that the ex-wife and her attorney requested so that I could NOT read or be told by my son what was in the Report.

I could have gone to the Session with a "sensitized version" but I went in with a genuine, honest approach (because I was always taught that telling the truth was the way to go). I spent " " with that " " and he was willing to take even more time – but I could tell how things were going and decided it was " " of my life I would never get back and nothing I said would make a difference (he has " " also). He had already made up his mind that " " was a " ". I abruptly ended my Session after " " when he told me he was " " a discounted price for his " ". Then he was surprised and astonished that it would upset me that he was giving them a discounted price; and couldn't understand why I would care? He wasn't in Court " " you made the decision to allow the ex and her attorney to engage in a " " AFTER they said they would pay for it. How sad for the system. Then again, I don't even get to READ the Report and my son did respect the Ruling (again trying to be compliant and cooperative) so I'm in the dark on what was said and written from " " without due process to read and respond to the accuracy of " ". And your Ruling makes no mention of the outcome from the Court Appointed evaluator and/or any positive statements from my grandson's counselor who stated: taking " " away from his Dad could be detrimental to

One note that is " "; the " " interviewed my daughter-in-law after my Session. He asked her who she thought had " " her husband or her mother-in-law??? didn't quite grasp at first why he would ask that question. He continued to pursue that line of " ". He doesn't even KNOW ME or what we have been through for the " " and yet he determines I'm an ANGRY PERSON. " " doesn't give him the ability to understand or know anything about my life or WHY there might be " " about what had happened in the " " and all the lies that have been spread under the guise of truth. But then again, he was selected and paid for by the ex and her attorney. Of course I'm angry; this has been " " of HELL on behalf of " " Nothing has been fair, logical or in " " best interest.

" " paid a LOT of money for his attorney to read, evaluate, have " " / " " respond, to the Report PRIOR to the Court date; to be prepared for the Hearing; yet her attorney was given additional " " time to do what could have been done after the Report came out – " " prior. Again, this is justice and honesty?

1. Regarding the " " and " " birthday. Mother had " " for his birthday in " " In " " not only did " " birthday fall on " " week with " " but even in " " OUR FAMILY was already excited to have " " for his birthday that " " and had already made tentative plans to celebrate. Why does the Mother get " " in a row on his birthday; and the only time she could go on vacation was that week when she knew it would take " " away from OUR FAMILY for " " birthday for a " " in a row? She made her plans in *like* " " – then lied to " " (which never came out, but he has the texts) on when they were leaving and NEVER offer to exchange the " " so we could celebrate early. We have documentation of her lies about the dates, times and plans. So whether it was " " for her to exercise her " " ; isn't there a moral and personal obligation to Co-parent in the best interest of " " ? Isn't there " " in a year? But " " gets dinged for not " " in a positive manner; doesn't she get dinged for lying? Doesn't anyone care about " " ? Doesn't that seem a little intentional on her part to have " " a " " in a row for his birthday without consideration to OUR family?

2. The trip to _____ was NOT retaliation by _____ against the Mother. It was in fact my Christmas present and we considered ALL options as to what is the best time for the trip. We have NEVER taken _____ out of school for a vacation (which parents do all the time whether it is right or wrong); and it was NOT for AND she never lost _____ of time with _____ I made sure the trip was only during _____ week. He was back in time to go to his regularly scheduled _____ with his mother. No matter when I planned the trip the Mother would have had issues. I work with _____ school districts in AZ and believe me – education is #1 and not missing school is an important part of learning, but _____ does not make a pattern or a wrong decision. _____ is a straight A GIFTED student, with a history of doing well in school and therefore, he wasn't struggling so was not going to break his cycle of school success. With all the stress this family had been through, because co-parenting on the mother's part has never been easy, I thought a nice trip to _____ would be a nice relief. By the way I paid for the " _____ " to go to _____ on _____ occasion. So this gift was " _____ " or in retaliation. It was simply a nice get away for their family. Wouldn't that be considered " _____ ?" I didn't see that mentioned in the Ruling.
3. _____ was the constant in _____ life – not to " _____ " but because he was always a dedicated father who loved his son. The roles were reversed and _____ became the " _____ ". _____ was so busy at work (ask her parents for honesty) and _____ was the one who taught to swim, ride a bike, play baseball and other " _____ " activities. He would pick up _____ from school so that he wasn't in " _____ " unless necessary, then had _____ finish his homework, _____ fixed dinner on most nights, and when _____ came home from work all she had to do was sit down at the table, relax and enjoy " _____ ". I don't see that mentioned in the Court Ruling by the " _____ ". AND, I did tell him about it during my Session. But I didn't get to Read the Report so I don't know if he wrote that down or not. Probably not, because it was a " _____ " for _____ Dad.
4. The " _____ " who wrote the scathing letter that _____ worked to alienate _____ from his mother is also the " _____ " who they (ex and the friend's wife) described _____ as *similar personalities*. The _____ FAMILIES were friends. Except that he (*the family friend who wrote the alienation letter*) lost his temper (on _____ occasion) and punched a hole in the wall _____ (I think his wife was pregnant at the time), then called _____ to come over to repair the wall. And, by the way that family was on the verge of divorce but _____ worked with him, _____ as friends to help save that marriage. Ironic isn't it???? But, I don't see that from the " _____ " in references in the Court Ruling. When _____ changed churches with _____ (after the separation) he went to the church that this " _____ " attended (because they were friends); but then the mother decided to change churches and attend that same church which was awkward under the circumstances so _____ decided to no longer attend that church – but the mother still did. Then accused _____ of not taking _____ to church. Starting to see a pattern that the mother isn't the " _____ ".
5. All of the counselors and " _____ " were chosen (and by the way had offices near each other) by the mother and her attorney. No conflict of interest there? When _____ tried to be cooperative it always came back to bite him and then he is accused of not " _____ " in a positive manner. The fact was, and now your Ruling validates if the mother's wishes were not accepted _____ was the bad parent. When did he get to have a say? Isn't that co-parenting? Give and take? There has NEVER been any give from the mother. It ALWAYS became a Court issue if _____ didn't agree with the ex. NO GIVE AND TAKE – no " _____ "????
6. _____ was NOT co-dependent on his Dad. _____ and _____ formed a parent-child bond because they spent so much time together. _____ left for work around _____ or _____ was with his mother until school (at which time they could have bonded but didn't); then _____ picked up _____ from school at _____ and spent that time bonding with _____ or at least being in the same proximity, helped with _____ homework, made dinner, to be a good husband (and Dad) so when _____ got home from work around _____ she could enjoy the evening as a family. Guess that is now turned into being a " _____ " husband/dad because somehow having a good relationship with your son is bad. As a carpenter _____ worked long, hard hours outside in the extreme summer heat. Yet he didn't go out with the " _____ " to have a brewsky, didn't come home and sleep, watch sports, drink beer and have a free _____ by himself and let _____ pick up _____ at _____ to come home, fix dinner, help with homework, and then – ready for bed. But again, this is seen as a bad thing, instead of being a kind Dad and husband. Really, I just don't get it? See the role reversals? _____ was the " _____ " role; _____ the " _____ ".

**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
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CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**