

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-169

Judge:

Complainant:

ORDER

March 30, 2023

The Complainant alleged inaccurate rulings and poor demeanor by a superior court judge hearing a family case.

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).

Copies of this order were distributed to all appropriate persons on March 30, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

22-169

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.

At the Evidentiary Hearing on _____, the issue at stake was to decide the appropriate change in child support payable by Respondent to Petitioner in connection with change of Petitioner's employer-sponsored health insurance (insurance). The health insurance cost calculations are covered in the _____ revision of the Arizona Child Support Guidelines (Guidelines) section III.B.3.b paragraphs (i), (ii), and (iii) on pages 13 and 14.

Although the actual situation in this Case is almost identical to the example under paragraph (ii) of the Guidelines (Example), the Judge dismissed my objections and stopped me from further explaining why this should be decided according to paragraph (ii) and therefore considering only the proportionate cost of the child eligible for child support (_____ children). The Judge stated he has the Guidelines on his computer screen and I do not need to interpret them for him, that this Case is to be decided differently from the Example, because "the cost of the insurance is known". This, however, was NOT the truth as there was no document stating how much it costs to insure the eligible child. The Judge never stated he intends to depart from the Guidelines for any reason, therefore I would expect he knows how to use and follow them.

Furthermore, at the end of the Hearing, the Judge asked Petitioner's Attorney to prepare the final Court Order for him. The exact amount of the retroactive reimbursement of Petitioner's health premium expense was not stated during the Court Hearing, and Petitioner's Attorney miscalculated the amount in Petitioner's favor in the Court Order draft he filed on _____. I filed my own "Notice of Lodging" with corrections and explanation (see attached copy), but the Judge just signed the Petitioner's Attorney version with the incorrect amount of the retroactive reimbursement.

Therefore, I believe the Judge committed judicial misconduct as described in the _____ revision of the Arizona Code of Judicial Conduct, Rules 2.2.2 (Impartiality), 2.5.1 (Competence) and also 1.2.3 and 1.2.5 (Promoting confidence).

Being an _____ who lived in _____, I am very sensitive to arrogance and incompetence on the Bench. I would never expect to encounter the described situation in a US Court.

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

In Re the Matter of:	Case No.
Petitioner,	NOTICE OF LODGING ORDER RE: INSURANCE PREMIUM REIMBURSEMENT
Respondent.	

Respondent notices his version of the lodging of the Order Re: Insurance Premium Reimbursement.

Dated this day of

Copy od the foregoing emailed
This day of , to:

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4 IN THE COURT OF THE STATE OF ARIZONA
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6 IN AND FOR THE COUNTY OF

In Re the Matter of: Petitioner, Respondent.	Case No. ORDER RE: INSURANCE PREMIUM REIMBURSEMENT
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13 The Court, having considered the testimony and evidence provided at the
14 Evidentiary Hearing, and good cause appearing, grants Petitioner's Petition for
15 Modification of Insurance Premium Modification ("Petition") and FINDS AND ORDERS AS
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17 FOLLOWS:

18 1. On the court entered Stipulated Orders Re: Legal Decision-
19 Making, Parenting Time and Child Support ("Stipulated Orders"). The Court confirms the
20 validity of the Stipulated Orders as modified herein with respect to Respondent's payment to
21 Petitioner for half of the increased monthly health insurance premiums for the children.

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23 2. Effective Respondent shall be responsible for one-half of the
24 increased monthly health insurance premium in the amount of:

25 3. Respondent shall reimburse Petitioner directly for his share of the increased
26 monthly premium by the of every month beginning and ending via
27 direct deposit.
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1 4. Per the Stipulated Orders, the parties shall share any uncovered
2 medical/dental/vision costs and copays for Petitioner shall provide Respondent
3 with a copy of the documentation reflecting uncovered charges via regular mail and Respondent
4 shall remit his portion of the uncovered expenses within days thereafter.
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6 5. Respondent shall make a payment of to Petitioner for his retroactive
7 share of the increased premiums from to (months total).
8 This payment shall be made to Petitioner no later than days after the entry of this Order. This
9 sum reflects previous monthly payments of made by Respondent to Petitioner.
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11 DONE IN OPEN COURT this ____ day of _____
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