

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-449

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Judge:

Complainant:

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**ORDER**

April 12, 2024

The Complainant alleged a superior court judge made improper rulings and was hostile to him in a family law 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).

Commission member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 12, 2024.

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

**FOR OFFICE USE ONLY**

2023-449

**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.

Case \_\_\_\_\_ was originally assigned to the \_\_\_\_\_ at the time of filing ( \_\_\_\_\_ ). It was subsequently transferred to \_\_\_\_\_ who adjudicated various matters including ratification of the final divorce decree \_\_\_\_\_ came on the case \_\_\_\_\_ . Initial agenda was Respondent (Father) Petition to Modify Legal Decision Making and Parenting Time and Petitioner (Mother) Petition to overturn the final divorce decree. The latter was obviated by a concurrent (and later dismissed) appeal. Father's pleas were: 1) inappropriate physical intimacy by Mother's landlord towards male child, 2) depression (later revealed to extend to suicidal ideation) in girl child while under Mother's sole custody, (3) precocious sexualization of same by Mother and agents, 4) ongoing unauthorized psychological "therapy" to both children yielding detrimental results, 4) assault on Father by Mother via proxy (Mother convincing girl child Father was a danger to her and intended to kidnap her, whereupon girl child called police during a vacation to \_\_\_\_\_ thus causing Father to be unjustly (and dangerously) detained at gunpoint by law enforcement and 5) repeat custodial interference by Mother. Judge \_\_\_\_\_ received and acknowledged evidence during the initial Resolution Management Conference of regarding Mother's repeat and ongoing custodial interference to the extent that he did caution her regarding any further episodes. The Judge nevertheless showed puzzling hostility towards Father by alleging in the absence of supportive facts (and in the face of police and \_\_\_\_\_ interviews confirming the boy's plea for help, as well as Father's representation by counsel ensure compliance with the law) that Father's report of said issue (i.e.: unwanted and inappropriate physical intimacy by the landlord) were fictitious and motivated solely by intent to harass Mother. Judge \_\_\_\_\_ additionally ignored the incident where Father was placed into physical jeopardy as a result of Mother's manipulation of the girl child, as well as the child's documented distress while under Mother's sole custody during the prior \_\_\_\_\_ months, Mother's failure to disclose that distress to Father or the Court in a timely manner, as well as precocious introduction of the child to sexual matters Mother and landlord. During the evidentiary hearing of \_\_\_\_\_ while conceding the request for a psychologist to examine the children, the Court displayed renewed hostility to Father by chastising him when testifying about the children's documented distress. Judge \_\_\_\_\_ further displayed overt lack of respect towards Father's demonstrated devotion to the children, including repeat instances where he had suspended his career to tend to the children. Judge \_\_\_\_\_ also failed to acknowledge or address Mother's assault via the girl child making false accusations and characterized the ongoing relationship forced onto the parties by the Court itself via its insistence on shared custody as " \_\_\_\_\_ ", when in fact Judge \_\_\_\_\_ was already in the possession of extensive evidence that Mother was a stalker and Father had always fastidiously fled conflict. Judge \_\_\_\_\_ also went out of his way to dismiss the dramatic improvement in the girl child's mental status, conduct and school performance after resumption of regular contact with Father and re-iterated without grounds his conviction that Father was motivated by revenge on Mother in reporting his son's distress and pleas for protection vis-à-vis the landlord. The Court did reluctantly approve a psychologist to look into the matter, but under the stipulation of a \_\_\_\_\_ timeline by the provider ( \_\_\_\_\_ ). Upon her "appointment" to the grave train, \_\_\_\_\_ then promptly proceeded to do nothing for over \_\_\_\_\_ ( \_\_\_\_\_ delay admittedly due to stalling by Petitioner), but the res \_\_\_\_\_ due to sloth by the provider). Respondent thus contacted \_\_\_\_\_ and requested the "evaluation" ( \_\_\_\_\_ had not even seen the children by this point and ended up spending a total of less than \_\_\_\_\_ face to face) be aborted in view of the rapid improvement (the girl child settled down immediately after resuming contact with Father and Mother's landlord had also curtailed \_\_\_\_\_

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his predatory advances in the face of all the attention), as well as extensive ongoing delays and outrageous escalation in cost (Father had agreed to a budget, but ended up billing over ).  
Father filed (via counsel) a Motion For Reconsideration regarding the Court's failure to censure Mother's repeat and ongoing custodial interference, as well her recording of Father across state lines without consent from a multi-party state ( ), which is a felony. The Court dismissed the plea out of hand in spite of evidence (police reports and Mother's own submission of the recording and admission regarding its genesis).  
The Court did however communicate EX PARTE with on ("

the Court issued a threat: "

in spite of misrepresentation of the circumstances, failure to comply with her commitments in the matter and that Father had in fact complied with all her demands (Father had merely sought an advisory whether it might be better to terminate the "evaluation" due to her tardiness and also for the benefit of the children, who were now doing well. The Court's ire was further unwarranted because of Father's prior record of compliance, as well the Court's awareness of sloth ( days prior, ), was granted an extension of a month, resetting the hearing previously scheduled for to ).  
In fact, report was only released days prior to the scheduled hearing, precluding proper review, and request for a second opinion (a standard in the medical professions). The report also disorganized, contradictory, and grossly prejudicial. It glossed over Mother's extensive prior history and overt evidence of ongoing mental illness, alcohol abuse and violent behavior while under the influence. Both children also reported Mother driving drunk with them in the car, yet failed to report to as required by law. The Court nevertheless berated Father for holding accountable and further sanctioned refusal to produce interview tape(s) for the purpose of a second opinion. In an insulting and dismissive ruling wherein Judge characterized Father's request as ", the Court sanctioned this delinquency under the pretense of concern for the children, rather than attributing it to the true cause ( failure to accord appropriate time to the children and her gross overbillings).  
The above should conclude that the Court's hostility was manifestly pre-existent and was present from the moment of this Judge's entry onto the dais. This hostility was not only openly verbally demonstrated through repeat derogatory comments, but translated into the Court's failure to act in spite of Mother's repeat false and nuisance filings, her abuse of Protective Orders, subversion of Law Enforcement for the purpose of terrorizing Father and false complaints alleging physical and sexual abuse (Mother admitted under oath she only made because "; after disproven by she then resubmitted the same complaints to harass Father), as well as an extensive record of mental illness ), ongoing alcoholism and prior criminal acts (including theft of funds from Father's accounts and an assault on a security guard by Mother while drunk) and ongoing custodial interference without any retaliation by Father. It enabled malpractice and motivated the Court's legally improper decision as follows: "

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Only problem is, this judgment not only fails in terms of §25-403(A) (the best interests of the children), but also miscalculates the applicable time window (the last ruling regarding custody by \_\_\_\_\_ was entered \_\_\_\_\_ and thus \_\_\_\_\_ DAYS OUTSIDE OF THE \_\_\_\_\_ MONTH MORATORIUM! this ruling also disregarded alternate grounds for modification of custody within that month window, namely the substantial changes in circumstance (daughter's suicidal ideation while under Mother's sole custody) previously withheld from the Court and only discovered upon restitution of Father's custody.

Mother's self-declared "victory" predictably emboldened her to an escalation of her vendetta to the point where she called Father \_\_\_\_\_ TIMES within \_\_\_\_\_ minutes, forcing Father to finally obtain an Protective Order (adjudicated and upheld on hearing). Judge \_\_\_\_\_ nevertheless refused a Rule 63 psych eval \_\_\_\_\_ as follows: " \_\_\_\_\_", though just a week later ( \_\_\_\_\_ ) she had to be compelled at threat of incarceration to obey the Court's orders (Mother having repeatedly refused to execute financial instruments as required by law).

\_\_\_\_\_ the Court once again dismissed out of hand another appeal to revisit Legal Decisionmaking, though supported by new issues, including extensive school tardy and absences, as well poor performance and misbehavior while under Mother's tenure. Judge \_\_\_\_\_ (who claims to be a former educator) showed zero concern that the children were (and still are) trapped in \_\_\_\_\_ a remedial institution with a dismal record, at Mother's insistence. He further disregarded Mother's statements that the children are of \_\_\_\_\_ ' in spite of consistently top standardized test results.

A.R.S. § 25-411 (A) was once again erroneously invoked, this time in reference to \_\_\_\_\_, though that judgment made no changes in custody and thus did toll the \_\_\_\_\_ month exclusionary period.

Judge \_\_\_\_\_ next betrayed shameful carelessness in referring alleged failure to pay child and spousal support to the Payment Clearinghouse Auditor (an institution known to be profoundly challenged in terms of its fidelity) in a case where payments hadn't even been made through that Clearinghouse, adding weeks of delay. After once again chastising Father for merely having the gall to defend himself, Judge \_\_\_\_\_ did affirm Father's position in the matter (which still did not account for an entire year's worth of voluntary payments by Father), but then partitioned a nominal (and incorrect) arrears (which Father chose not to waste his time contesting) to child support in spite of the law, which clearly spells out that all payments are to be applied child support first (i.e.: any arrears should have been classified as spousal support).

Based on the Court's overt, persistent and unprovoked hostility towards Father, as well as multiple rulings failing to observe the basic mandates of Family Court (the interests of the children), Father thus lodged an administrative complaint accompanied by a concurrent ( \_\_\_\_\_ ) Motion for Recusal. In his denial of \_\_\_\_\_ the Presiding Family Law Judge ( \_\_\_\_\_ ) outlined grounds for disqualification as follows: "...

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Father wishes to point out two issues regarding this supercilious and also inadequate response. One, precedent neither supersedes the raw verbiage of the law, nor logical arguments outside of it. The special care accorded to pro se litigants in itself demonstrates the need to contain legal sophistry, which is essentially what the above citations constitutes. Such machinations do not lessen the fact that the administrative response completely ignores the evidence

" This is also strictly speaking not correct and translates into the second issue, namely recourse. While Father does readily admit that he takes enormous exception with not only Judge conduct, but the entire farce of Family Court proceedings, the Court had displayed bias and/or acted on such bias. It is in fact rare for a Judge to go to such lengths to demonstrate their animosity towards a litigant. And a litigant does not have a mechanism beyond administrative review to effect recusal. Naked pre-existing and unprovoked bias was evident from the outset of the case via the Court's repeated personal slights and comments, subsequently implemented into legally untenable (and often outright erroneous, such as in the case of the alleged month exclusion periods) judgments. In this way Judge has violated the law repeatedly and with prejudice, due to his own prejudice. The administrative review is thus doubly lacking in that it first ignores the evidence and then strains credulity by asserting that a person who had already demonstrated such a capricious and unethical conduct would then ignore the insult of an administrative complaint and motion for recusal, which (though not openly admitted) most jurists (inexcusably) consider the greatest personal affront. In fact, in Father's experience as a , so do all "experts", failing to understand and respect that a client's (or , or litigant's) right supersede the demands of that "expert's" ego. A thorough review by Judge would have revealed that Judge rulings not only failed to ever discuss or observe the children's interest (for instance, there was zero mention of the children's educational needs and Mother's choice to enroll them in a substandard school merely because meals are subsidized; similarly no discussion regarding the need for the children to undergo extensive counseling while with Mother versus their complete content and high function while with Father). At no time did Judge ever acknowledge or discuss Mother's extensive lies, mental issues or criminal activities, much less address them. Nor did Judge ever acknowledge, discuss or address Mother's knowingly (and admittedly) fraudulent misuse of sanctionable legal instruments and law enforcement. Rather, Judge either recused himself from actually doing anything, or focused on the litigants' conduct against each other (with a specific focus on Father's frustrated outbursts, rather than Mother's repeated criminal non-compliance). Judge did, however, always avail himself of any opportunity to berate Father for no reason whatsoever, including in the presence of counsel.

Father lives by the wisdom of Hanlon's razor ("never ascribe to malice what can be adequately explained by stupidity"), which actually diminishes the chances of a successful turn of events once a person demonstrates themselves unequal to an intellectual challenge. As even Forrest Gump knows, "Stupid is as stupid does" and stupid rarely becomes smart by accident. Father could have re-filed the motion with new language and the mountain of evidence above to support his

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allegations, but chose to bide his time instead in the hopes of such a miracle (and also to avoid seeming irrational and argumentative).

Instead of heeding this caution, however, the Court once again proved its affinity towards Mother by mirroring her petty and vindictive conduct. Father's Motion for Recusal prompted an almost immediate retaliation, not only against Father this time, but also against Father's counsel. In its ruling of \_\_\_\_\_, the Court doubled down on its unwarranted admonishments of Father and also counsel (\_\_\_\_\_ going as to threaten sanction against the latter: ")

\_\_\_\_\_ filed by Respondent's counsel on \_\_\_\_\_. That Motion – signed by Respondent's counsel and presented on counsel's letterhead – cites no portion of the record and no legal authority. Instead, the Motion rambles on for six pages, insulting Petitioner, various unnamed third parties, and even the Court. See Motion, page 5, lines 17-18 (accusing the Court of "\_\_\_\_\_ of Father and blaming such intimidation for the children not heed[ing] Father's authority"). The Court cannot fathom how a licensed attorney – particularly one with the experience of Respondent's counsel – could draft and file such a Motion. If counsel files another motion that lacks any legal or factual support, the Court will refer the matter to the \_\_\_\_\_ of Arizona and consider other sanctions."

To begin, it should be noted that counsel (\_\_\_\_\_, an attorney with \_\_\_\_\_ years of unblemished record) was already the victim of two spurious complaints by the above canonized, saintly Petitioner. Further, in spite of Judge \_\_\_\_\_ outraged protests, Father had in fact been repeatedly intimidated and even threatened without grounds by the Court (such as the matter of \_\_\_\_\_ inappropriate EX PARTE allegations). It is also telling that this was (and still remains) Judge \_\_\_\_\_ quickest response on record (approximately seven calendar days, including delay in posting to the docket both for Father and the Court) and the only instance to date where he didn't summarily dismiss either party's pleadings out of hand.

Father also points to the following shocking language in the ruling: " \_\_\_\_\_ How one could insult a creature who had not only leveled innumerable knowingly false accusations of physical and sexual abuse at the Father of her children and the person who extracted her from a \_\_\_\_\_ and poverty for secondary gain, but also TRICKED A NAIVE \_\_\_\_\_ YEAR OLD INTO ALMOST GETTING THAT MAN SHOT BY POLICE? Is it even possible to insult such a \_\_\_\_\_? And is it even possible to insult someone who under the aegis of legal authority then bullies the victim and sanctions... Nay, aids and abets such reprehensible conduct merely because of ILL WILL TOWARDS THE VICTIM?"

Perversely, the Court's own rambling invective characterized Father's eminently articulate submission as rambling. In contrast, the Court had indulged Mother's endless incomprehensible and fraudulent tirades for almost \_\_\_\_\_ full years by this point before finally providing for its own convenience \_\_\_\_\_ as follows: "

" Of note, this grand gesture was not prompted by the obscene \_\_\_\_\_ in expenses already hemorrhaged by Father, nor the heinous acts of slander by Mother, but rather so that the Court could spare itself of the nuisance of a lunatic (while at the same time refusing yet another Rule 63 evaluation request prompted by the Court's own actions).

The \_\_\_\_\_ judgment also claims that Father's \_\_\_\_\_ Motion for Reconsideration cites no factual basis. This is also incorrect, as the Court was already in possession of the facts cited regarding the \_\_\_\_\_ incident, where Father was held at gunpoint due to Mother's machinations. The Court was also in possession of documentation regarding Mother's capacity for physical violence and obsession with Father and was (or should have been) aware of the potentially disastrous consequences (to Father) of placing the parties into physical proximity, were Father to have been physically attacked by

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