

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 23-451

---

Judge:

Complainant:

---

**ORDER**

May 24, 2024

The Complainant alleged bias by a superior court judge in her son's 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 members Barbara Brown, Michael J. Brown, Joseph C. Kreamer, and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 24, 2024.

RE: Judicial Complaint against Hon. ( ).

The standard of Review for judicial misconduct is clear and convincing evidence of ethical misconduct. (Emphasis added)

RULE 2.16. Cooperation with Disciplinary Authorities (A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

(B) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

The Father in the above-mentioned action filed a complaint against the Best Interest Attorney in this case SBA File No. (exhibit 1) due to the fact that after meeting with my -year-old granddaughter she stated he made her feel funny, and he looked at her inappropriately.

Father worked with the in this complaint and informed them that I just wanted to make them aware of my child's experience. The complaint was recorded and closed (exhibit 2). The BIA in this matter received text from me on indicating that that he has some " ' regarding his behavior with my child. He then reported the matter to Court via email. Please see exhibit 3.

Minute Entry APPOINTEMTN OF BEST INTEREST ATTORNEY FOR CHILD.

Best Interest Attorney (BIA) and Petitioner had a phone interview on at at a later time a

interview with child was conducted at the child's school

approximately [redacted] in [redacted] BIA met with Child [redacted]  
Petitioner that " [redacted] during school hours at the child's School for a full interview. The child later told

at " [redacted] "Father then reached out to BIA via text message [redacted]  
[redacted]'. The petitioner then followed that text message up with "[redacted]  
[redacted]". (Exhibit 8)

[redacted] then reached out to the court (Judge's Assistant [redacted]) in an email to all parties stating  
he had rec'd some troubling messages from someone, and he believed it was Petitioner.

[redacted] closing argument during the [redacted] Evidentiary Hearing

p.189 lines ln 12-25 and P 190 ln 1-5)

[Emphasis added]

Please note that that this occurred on \_\_\_\_\_ over \_\_\_\_\_ months after the at school interview, of which the father reported how uncomfortable the child was with \_\_\_\_\_ due to him leering at her and making her feel very uncomfortable. She felt better because she did was not in his presence and the interaction was over a phone she did not know who the he was.

The Judge in this matter clearly was aware that the child was uncomfortable with this man and again did all she could to sweep his actions under the rug.

Father also realized that opposing counsel working under limited scope for the Respondent in this party was doing the Respondent bidding by using her influence to provide the court misinformation. The Father in this matter reached out to the opposing counsel with the intention provide some form of proof of some of the allegations that were being made in court as they were clearly false. The opposing counsel initially stated that she would provide the requested information; upon realizing that her client in fact was misleading the court; indicated that she would no longer be willing to provide me the requested information prompting me to file a complaint with the \_\_\_\_\_ . Please \_\_\_\_\_ and attachments.

This Judge in this matter has shown she is not impartial and clearly bias, she clearly violated (B) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

My son then filed a Judicial complaint with Commission on Judicial Conduct Case \_\_\_\_\_ and later

Please see ME \_\_\_\_\_ p.5

This Judge in one breath states that Father can complain but in the next breath:

Clearly the last paragraph doesn't illustrate any harm to the child, father had every right to make complaints against the BIA, opposing counsel as well as the Trier of facts. Simply put, this is retaliation for complaints. (Emphasis added)

The judge clearly retaliated. 17C A.R.S. Jud.Conduct Comm.Rules of Proc., Rule 14

#### Rule 14. Prohibition Against Retaliation

##### Currentness

A judge against whom a complaint is filed shall not directly or indirectly engage in any act of retaliation against any person who files a complaint, cooperates in the investigation of a complaint, or acts as a witness in any proceeding brought against the judge. "Retaliation" includes, but is not limited to, the act of dismissing or procuring the dismissal, without reasonable cause, of a member of the judge's staff or other person subject to the judge's direction and control, creating a hostile or offensive working environment for such person, or filing a frivolous bar complaint against an attorney who is a complainant or witness. The commission or disciplinary counsel may, at any time, file a petition with the supreme court for an order prohibiting, at the risk of sanctions for contempt, conduct of a judge that is or appears to be retaliatory in nature.

\*Please note this Judge during the hearing dismissed the father's motion of contempt of court from as a form of retaliation please see exhibit 6.

ITMO  
LLC 0.14 lines 8-14

TRANSCRIPT VERBATIM REPORTING & TRANSCRIPTION,

A judge must be impartial, and a Judge must be faithful to the law (Emphasis added). Father advised this Court of common law in his Pre-trial statement as it pertains to exhibits and evidence. This court went on to abandon common law and to go rogue and to "exclude" exhibits. *Kelly v. Kelly*, 503 P.3d 822, 252 Ariz. 371 (Ariz. Ct. App. 2021)

Please see footnote Page .5 Please see exhibit 7

The Court granted Father leave to submit a 2-page summary of caselaw or a closing following trial. In violation of the Court's order, Father submitted a voluminous pleading that attached many of his previously *excluded* exhibits. As indicated in its ME, the Court limited its review to the first two substantive pages of Father's submission, which largely mirrored his arguments at trial.

1. Should Judge have recused herself under Rule 2.11?

RULE 1.1. Compliance with the Law A judge shall comply with the law.

including the Code of Judicial Conduct. Comment For a discussion of the judge's obligation when applying and interpreting the law.

**RULE 2.2. Impartiality and Fairness** A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

**Comment 1.** To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

**RULE 1.2. Promoting Confidence in the Judiciary** A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. **Comment 1.**

Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge. **2.** A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the code. **3.** Conduct that compromises or appears to compromise the independence, integrity

**RULE 2.11. Disqualification (A)** A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

**1.** Under this rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (5) apply.

**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.**