

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-495

Judge:

Complainant:

ORDER

April 19, 2024

The Complainant alleged biased and improper legal rulings 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).

Commission member Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 19, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-495

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.

On [] a court hearing was held and was officiated by Honorable Judge []
The proceedings were initiated to request visitation with my granddaughter. It is my believe and the believe of the witnesses named herein that Judge [] engaged in judicial misconduct by demonstrating bias, abuse of discretion, and this judge failed to remain impartial during these proceedings.

1. The respondent made unsubstantiated allegations against the petitioners for which the judge accepted as facts.
2. The judge had a different demeanor towards the attorney for the petitioners vs. the attorney for the respondent.
3. Not a single objection made by the attorney of the petitioners was substantiated by the judge, but were all overruled. Each objection was justifiable and warranted being substantiated.
4. The judge ignored the trauma that the petitioners have experienced as a result of being denied visitation with our granddaughter by the respondent.
5. The judge ignored the FACT that the respondent did not conceive a child on her own. The father who also appeared in this hearing stating he did in fact want his parents the (petitioners) to have visitation with his daughter. Fathers have rights in this country as well.
6. The judge appeared to have had a pre-determined ruling having knowledge that there is a pending case on the father for which he has not been convicted and is innocent until proven guilty.
7. The judge made a comment that he also believed that the petitioners had ulterior motives for requesting 2-4 day visits once per quarter with our granddaughter whom we have not seen in person since her birth in [] of [] due to her mother. The mother has had all rights, though the father has been active in the daughter's life and supported her to the best of his ability. The mother became involved with the father and was aware of his economic status as well as his pending case and she willing pursued and participated in the relationship for which this child was conceived.
8. The judge ignored statements of facts: the petitioners are law abiding citizens that have raised children and been actively involved since birth in the lives of [] other grandchildren. The petitioners have had overnight stays with our other grandchildren unsupervised, have been married for [] years and have years of experience with children.
9. The stepmother of the respondent with no biological ties to the child has had unsupervised time 4 days per week but yet the request of the petitioners for up to 4 days per qtr. was stated to be unreasonable.

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10. The judge appeared to have allowed unsubstantiated allegations by the respondent against the father to be held against the petitioners (the grandparents).

11. The judge stated that the visitation request of the petitioners were unreasonable, though the petitioners have been denied visitation with the grandchild and he gave no consideration to that fact and no consideration to how devastating it has been for us to not have the ability to bond with the first child of our son.

12. The judge failed to accept or consider that though our request was for visitation for 2-4 days including an overnight stay once per quarter, the attorney for the petitioners did ask during the proceedings if we would accept up to two days at 4 hours just so we had time with our granddaughter and we stated yes.

13. The stepmother of the respondent made statements during the proceedings as to the child being months old, needing feedings and naps as if the petitioners have not raised children and have three other grandchildren which makes us more than knowledgeable, capable and experienced to care for month old. The petitioners also informed the court that of our other grandchildren, one is special needs and we were involved in the care of that grandchild.

14. The judge denied the temporary order for visitation request in totality and did not even consider a modification based upon the information denoted in #12 above.

It is our hope that this judge will be disciplined accordingly on the basis of judicial misconduct including, bias, abuse of discretion, and not being impartial to all parties. The attorney for the petitioners and the petitioners were treated differently than the respondent. The statements of the respondent were held in higher favor and consideration and were accepted as fact by the judge.