

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-334

Complainant: No. 1407300378A

Judge: No. 1407300378B

ORDER

The complainant alleged that a superior court commissioner made erroneous decisions and improperly considered political affiliations in resolving divorce and custody issues. The commission reviewed the complaint and the response and decided to issue a private warning to the commissioner. By taking certain actions, the commissioner appeared to have a personal interest in the case which gave the impression that the court was biased. Rule 1.2 requires a judge to avoid even the appearance of impropriety.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: March 18, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed
to the complainant and the judge
on March 18, 2011.

This order may not be used as a basis for disqualification of a judge.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2010-334****COMPLAINT AGAINST A JUDGE****Your name:****Judge's name:****Date:** 12/14/10

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

15 minutes before the conclusion of mine and my husband's first divorce temporary orders hearing on Oct. 25, 2010, Judge _____ called both my attorney: Lenore TSKANIKAS and opposing counsel: David Lipart, to into her chambers. ~~Afterward~~, At the conclusion of hearing on our way back to Lenore's office she told me: The judge said to both attorneys in her chambers that she is a Democrat and she is concerned that the divorce hearings will have a negative impact on _____'s career. (me: Mr. _____ is my husband whom I am divorcing and was running for re-election as an AZ State House Representative) Lenore continued: Judge then stated her concern that a Republican might be voted in _____ place. She also asked the party affiliation of both attorneys. -End of Lenore's retelling to me-

At the Oct. 25th hearing I presented my case against _____ I recounted several instances of domestic violence ~~abuse~~ abuse, and at that point I had an order of protection against him which included the Brady law ~~prohibiting~~ prohibiting gun possession. _____ was ordered drug testing (I entered evidence that he took illegal drugs in our minor child's presence.) and he was ordered to have _____

→
see p. 2

(Attach additional sheets as needed)

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~~At~~ At the second divorce temporary orders hearing on Nov. 15th 2010, opposing counsel begins an argument that the divorce hearings are going to have a "negative impact on Mr. [redacted] career."

The Judge, at the conclusion of this hearing, dismisses the order of protection, and even though I told the judge that he made threatening gun motions toward me, had wished me dead, and had physically harmed me many times, dismissed the Brady provision. She also granted him unsupervised visitation even though at that point he had had only two JSP visits and had tested positive for illegal drug use.

At our third and final hearing ^{Dec 7, 2010} before trials begin, the Judge was reminded again that my unemployment insurance ran out on Nov. 30th. She had been asked at the previous two hearings to make temporary order judgements for child & spousal support. ~~As~~ As of today - Dec. 13, 2010, she has still not made any orders on financial support. Mr. [redacted] has still not disclosed his financial records, and the Judge has not ordered him to do so. I entered evidence that other Legislatures fear physical attack by Mr. [redacted] and I testified on this date

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that the extraordinary long visits granted
to Mr. [redacted] combined with encountering
his ~~negative~~ girlfriend who yelled several times
at our daughter, had caused our minor child
Ruby such terrible daily head aches that I
ended up taking her to Urgent Care. She has
also allowed him to have his gun.

In conclusion I do believe strongly
that Judge [redacted] has violated Canon
1 and Canon 2, Rules 2.2, 2.3, and 2.4 of the
Arizona Code of Judicial Conduct 2009, and as
a result has put in potential danger myself
and minor child, has denied minor child
child support, recklessly allows Mr.
unsupervised visitation w/out anger management
classes, sufficient drug testing, and w/out
completing the mandated Parenting class.

I strongly believe that this judge is
not capable of being impartial in this case,
and I do believe I am not receiving
fair and impartial justice.