

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-070

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner conducted an improper independent investigation and improperly granted an order of protection.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

The commission does not have jurisdiction to review the legal sufficiency of the commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: April 19, 2017

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were distributed to all appropriate persons on April 19, 2017.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2017-070**

**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.

Please see attached letter explaining complaint

2017-070

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

RE:

presided over an evidentiary hearing ( ) after granting my ex-wife's request ( ) for an order of protection against me. I came prepared with evidence to show that the specific allegations in the complaint were without merit and fraudulent; although much of the allegations had neither date, time, or witnesses and included prior investigation assertions already adjudicated and found false.

Unbeknownst to me, and without advance disclosure, had reviewed the case files from my divorce causing him confirmation bias and a conclusion before the evidentiary hearing started. He stated at shortly before disclosing his decision to affirm that he'd read the Family Court's "entire case file". He asserted it was his practice to come "fully prepared" indicating that my case is but one example of his misconduct.

My divorce case involved complex issues and had presided over an evidentiary hearing in . He found my ex-wife made false allegations and also addressed the " " referenced again in her complaint before by pointing out ( ) that " was clear " also acknowledged "

" . Her action of seeking an order of protection post-decree was consistent with her prior behavior. seemingly accepted Mother's continued efforts as warranted without knowing as wrote "

At the hearing my ex-wife did not present documentation, witnesses, or other evidence to substantiate claims made in her petition. She did not present documentation or other evidence regarding alleged court orders under item . She did not even provide evidence to support her allegations indicated under item . however apparently satisfied for himself any need for that evidence by his own initiative and resisted my efforts to introduce evidence that would clarify the facts or alter his mindset. Numerous times I attempted to present or reference evidence to refute the specific allegations of the complaint but was stopped by who retorted that he'd already seen it. He blocked my showing things contrary to his preconceived ideas. denied my right to due process by performing extra-judicial research in advance of adjudicating the hearing, not notifying me before he did it and denying my requests to submit evidence at the hearing because he'd viewed it prior to the evidentiary hearing.

I addressed the complaint and presented testimony from the eye-witness that had been identified in the petition. That witness presented his written statement of the events; the contents of which disproved the specific allegations of misconduct contained in the complaint. The witness also testified as to having independently authored his document.

violated his duty to remain fair and impartial. His behavior was catastrophic. Whatever his research found that created his confirmation bias and prejudiced his outlook and decision was not presented to me so that I could defend against it. Any of the allegations before that if true might have warranted his order of protection isolating my children were separate and distinct from the divorce case. By denying me due process to confront his " ", severely injured my innocent children as well.

affirmed his order of protection against me which included having no contact with my . The complaint hadn't contained any allegations of domestic violence or acts of any kind involving and was not mentioned at all in the case presented by my ex-wife on school was indicated as a protected place as well although school was also not mentioned in any of the activities alleged to justify issuing a protection order placing restrictions on my constitutional rights.

The Decree of Dissolution from in recognized Mother's pattern of behavior and provided relief for this onerous protection order which violated the Court's parenting orders. I filed a Petition with on case . I also filed a Motion To Reconsider on ( with on his case providing detailed rationale for that reconsideration request. The Petition For Order of Protection ( ) as well as the witness' statement ( ) were included.

On ( issued a ruling denying my **ignored** Petition filed with . my Motion To Reconsider. In a dated ( ), he responded he'd already denied my Petition ( ) and the issue was "moot".

later set a hearing in ( ) on my Petition ( ) and indicated it was to serve the dual purpose of a review of reunification. In a subsequent hearing in thoroughly interrogated the therapist and determined that appointing her was " " and " ". included the reports from that therapist in his " " of the files prior to holding an evidentiary hearing without any in depth review of her work with the children to reunify with their father. The therapist's activities were actually unrelated to any acts of domestic violence alleged to justify the issuance of a protection order. had taken it upon himself, using the forum of a protection order petition, to research, review, and render his interpretation of the custody and parenting time orders issued by .

Although did modify the OOP to reflect the terms of the decree, by then my children had suffered enormously and : taken and held in protective custody while the OOP remained in effect.

I was never notified or contacted by the police - Case files referenced the outstanding OOP against me which tainted me as being a " " to my children during the time my child desperately needed me.

system includes having to combat the slander emanating from extra judicial actions and abuse of discretion. remains isolated and alone with Mother.

I look forward to the Commission addressing these issues.

Sincerely

attachments: Motion To Reconsider, filed