

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-105

Complainant: No. 1308300378A

Judge: No. 1308300378B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

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

Dated: August 28, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 28, 2007.

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

[REDACTED]

April 16, 2007

APR 18 2007

State of Arizona Commission on Judicial Conduct
1501 W. Washington St., Ste 229
Phoenix, Arizona 85007

CJC-07-105

RE: Complaint against [REDACTED] Superior Court Commissioner [REDACTED]
Dear Commissioners:

I request an investigation of the judicial conduct of [REDACTED] Superior Court Commissioner [REDACTED]

This Committee sits with the power, duty and desire to insure a highly qualified bench. It may only execute this mandate if candid information is presented. I affirm that all of the following facts are true and accurate; obviously, my opinions are not capable of such an affirmation.

Because the complaint process lends itself to petty vindictiveness and abuse, I've attached my résumé to give you some idea of my experience, because none of you know me or have any reason to believe me. Not included specifically in my résumé are my years as counselor and advocate for judges, lawyers, small and international law firms on ethics issues.

A lawyer may file a complaint against a sitting judge in a pending matter. The law is clear on this point. Indeed, in this case, I believe Ariz. S. Ct. ER 8.3, mandates my complaint, because of Commissioner [REDACTED] violation of the Canons of Judicial Ethics; specifically, she refuses to follow the law, is partial, arbitrary, oppressive, and permits unethical conduct to go undisciplined, all in breach of Canon 3.

During the pendency of a divorce case, my client's husband has taken hundreds of thousands of dollars from a [REDACTED] owned by my client's corporation for gambling and other personal uses, including paying legal fees for the husband's criminal defense of his domestic violence assault on her.

My client has been exposed to thousands of dollars in tax liabilities, because Commissioner [REDACTED] refuses to force the husband to produce records, so we can address this issue. Her corporate credit is now under assault. She was forced by Commissioner [REDACTED] to sign a [REDACTED] managerial contract, and was forced to accept this exorbitant fee. I was denied the right to argue against it or to seek another management company.

Despite mandatory Supreme Court procedural rules, she has been denied complete access to all bank accounts, looted by her husband during pendency of the divorce, barred access to his personal accounts, some opened secretly during the pendency of this divorce action into which thousands of dollars have been deposited. When I asked for a rationale, Commissioner [REDACTED] had none. There is none, because disclosure of all this information is mandatory. Commissioner [REDACTED] breached her judicial duty to follow the law, and secured a benefit for the opposing party unjustly.

While denying my client due process disclosure critical to my representation in this case, Commissioner [] has given complete access to all documents to a forensic accountant, intentionally and wrongfully precluding me from preparing for competent cross-examination.

Commissioner [] disparaged and insulted my client by calling her "crazy like a fox," clearly implying to me that my client is a liar, although I've never been given one minute to examine her and clear up all the misleading insinuations by opposing counsel. She returned a highly relevant exhibit to me, saying she didn't need it, because accountants would provide the needed evidence.

Finally, opposing counsel threw things at me and said "f**k you" to me, as Commissioner [] sat by. She did not censure him and intentionally did not make a record of this conduct. She excused it.

Violation of Canon 3 (D); Ariz. Judicial Ethics Op. 03-03

During an *in camera*, off the record discussion of the case on [] I was assaulted by opposing counsel, []

I was sitting against a wall. Commissioner [] sat opposite me. [] became vexed for some reason.

He stood up, walked across the room, and violently threw a yellow pad against the wall where I sat.

Then, in a vile, nasty tone he yelled: "f**k you" to me.

I left the room and told my client of the event.

Suspecting Commissioner [] would not make a record of this startling episode, I wanted evidence by telling my client about the incident; a court reporter and a court clerk were present. I could not place this on the record.

When I returned to chambers, [] apologized. That was it.

Commissioner [] did not censure him, or make a record of this event or otherwise give any indication that she thought this unprofessional and abusive outburst was extraordinary.

Under prevailing Arizona Judicial Ethics Opinions, a judge has a mandatory duty to impose immediate discipline and report to the State Bar. I raised these duties in a motion later, so she may have followed her ethical duties, but I doubt if she did immediately and not until I raised the duty in a motion, in order to make a record for appellate review. The State Bar will have a stamped copy of her complaint. My was filed by facsimile on [] I have a transmission confirmation.

Failing to immediately discipline [] has several consequences.

First and foremost, her failure to censure [] destroyed what few shreds of confidence my client had in Commissioner [] capacity to be fair and impartial.

What could I say to my client, when she asked, was anything done to [] I could only reply truthfully that Commissioner [] did nothing. She feels that Commissioner [] is clearly biased in favor of [] because he can assault and swear at her lawyer. No other conclusion is reasonable.

Failing to discipline him, tarnishes the entire [] bench, because it implies that practice in this court can fall to the lowest depths of unprofessionalism without fear of

consequences. Do I and all other lawyers practicing here now have a license to use gutter language against other lawyers in chambers, what about in Court, what about in letters or telephone calls? Commissioner [] has established a highly questionable precedent.

Any other Superior Court Judge before whom I've appeared would take immediate corrective action and file a complaint, I believe.

Commissioner [] and [] appear to enjoy a friendship. He regularly appears before her. I have never appeared before her until this case.

I am an "outsider," not a "regular" in the divorce courts. I feel [] always has the advantage because of his prior relationship with Commissioner []. She is the only judicial officer who has given me this distinct impression in my entire career.

Second, Commissioner [] demonstrated no respect for her office, no concern for the fact that she is a symbol of justice, who should demand and enforce professional conduct. [] was in direct contempt of court. No judge should listen to these words from a lawyer. She failed to demand the respect due all judicial officers.

Third, I believe [] conduct is redolent of sexual bias and prejudice. I am a [] Bullies such as [] would not dare to swear at a man or before any self-respecting judge. Obviously, he felt no chagrin in acting like a street thug before Commissioner []. This is sexist conduct. It also cements his disregard for Commissioner []. [] destroyed his career, because he called young women black athletes vile names. Saying "f**k you to me, before a judge, seems equal to [] conduct. I refuse to be treated this way. She insulted me by taking no note of this event on the record. She had a duty, in my opinion, to rebuke him in my presence and to make a record. By not doing so, I felt she thought my professional status and the fact I was a [] should be degraded and I should accept it.

Therefore, I submit Commissioner [] violated Canon 3 (D), because a judge has a duty to discipline lawyer misconduct and to report such misconduct to the State Bar. Ariz. Judicial Ethics Op. 03-03 (reissued 2003).

By not censuring or making a record of [] conduct, Commissioner [] intentionally protected an unprofessional lawyer.

Factual setting

I was retained in [] to represent [] who is divorcing her husband, [] represented by []

When I entered the case, I did not have the file, but expected that competent disclosure and discovery were conducted.

This case had been pending since [] [] former counsel had not prepared her for a settlement conference, had grossly neglected to protect her rights, and, in my opinion, was incompetent, based on my review of his slim file. She desperately needed another lawyer who would protect her rights.

Trial was set for [] As an experienced trial lawyer, I thought I could master the facts and present an effective case. This case did not present an extraordinary fact pattern, such as a complex RICO case, but a division of assets. Child custody was not an issue.

The parties' principal marital asset is a corporation, solely owned by my client, [] [] This corporation owns and operates a [] a

[redacted]
My client's prior counsel entered into a poorly crafted and ill-conceived agreement, giving my client control over the [redacted] and the husband control over the [redacted]. Since [redacted] the [redacted] has taken in about [redacted]. The [redacted] is breaking even. The parties were to share profits. My client has never received any profits. Instead, the [redacted] bank accounts were looted by [redacted] client in gambling and hundreds of thousands of dollars in checks made to cash for a year.

Intentional Denial of Mandatory Disclosure

[redacted] intentionally failed to provide mandatory disclosure under Fam. L. R. P. 49, but at least a motion to compel disclosure was on file. [redacted] decided to submit the documents, but only weeks before trial. The motion to compel had been pending for months. Naturally, I thought disclosure would be complete. I work with a team of investigators and paralegal, so I felt comfortable.

On [redacted] about 10 days before trial, he provided me with 5,000 pages of poorly copied, incomplete, randomly selected documents; such disclosure violates the ordinary rules of practice. I started on the documents, but it took days to sort them logically and pull out relevant items.

I went to a settlement conference several days later, but was unable to reach an agreement, because I lacked sufficient evidence of the assets and liabilities. I would have committed malpractice had I counseled my client to settle.

Later, working with my investigators, two former FBI Special Agents, with collectively 60 years of experience in fraud, money laundering and other financial crimes, we combed through incomplete bank records and found that about [redacted] had been moved around, spent or was otherwise misused by the husband. He claims he has repaid it, but we do not believe that he has. Only the documents, that is cancelled checks front and back and access to all bank accounts he used will show whether he repaid the money. I have a right to all that data, given the information I know for a fact.

My client was staggered by the dissipation, as was I. No reported Arizona decision addresses such massive dissipation.

This was the tip of the iceberg, though, because we were missing hundreds of other financial records, such as canceled checks and complete bank statements. One of my investigators has a special expertise in financial crimes, he showed me that other bank accounts were being used by the husband, but we needed complete disclosure to track the money. These accounts were secretly opened in violation of temporary restraining orders.

Armed with documentary evidence that the disclosure was incomplete, I moved for complete disclosure under the mandatory provisions of Rule 49 for all information listed in the Rule, which consists of all financial records and evidence of a party's property whether claimed as sole and separate or marital property.

The husband has a trust account, but Commissioner [redacted] has consistently denied me access to this account, i.e., all statements, all cancelled checks front and bank, and all deposit sources.

Although trust accounts are specifically listed in Rule 49, and I specifically moved for this information, Commissioner [redacted] told me she didn't think this was relevant. Of course it

is, because it goes to attorney's fees, child support, and we believe the husband moved [] funds into this account to make purchases during the pendency of the divorce. She has denied every motion I've made for Rule 49 disclosure of the trust accounts. This, of course, is to the husband's advantage.

Disclosure in family law cases is the broadest permitted and intentionally so, to minimize expense and allow the Court and the parties to get to the heart of all divorces: who gets what and how much, as well as the key issue of the children's welfare? The Supreme Court revised the procedural rules, effective in 2006.

I also moved to continue the trial to gain complete disclosure, and attached bank records showing at least [] taken from one account by ATM withdrawals at gambling casinos by [] client. I did not have all the bank statements, but the pattern of withdrawals caused me to believe thousands more were taken. I simply could not gain a complete picture.

Commissioner [] denied my motion to continue the trial, and then held she would rule on my motion to compel complete disclosure on the day of trial on [].

Waiting until the day of trial to rule on disclosure is not fair. I knew that I would never get disclosure. There was no reason to wait for a ruling because the law is clear. I requested mandatory disclosure. There is no reason to deny it, except to intentionally thwart my ability to present my case.

I was forced to trial without all the evidence. I still don't have it, four months later.

No good cause existed to force me to trial without complete disclosure, because the case had already been continued twice. This is not a criminal matter in which the state and federal constitutions guarantee a speedy trial.

This is a divorce case, a civil matter. Continuances should be granted for good cause. I submit not having complete disclosure from an opposing party is good cause for a continuance, especially because a motion to compel disclosure had been made. [] turned over some, but not all documents.

[] vigorously fought my motion to continue the trial, because he knew I did not have all the evidence of his client's embezzlement of hundreds of thousands of dollars.

He knew his client was hiding evidence, because he turned over bank accounts documenting ATM withdrawals at two of [] gaming casinos.

He also knew his client had cashed hundreds of thousands of dollars in cash checks which could not be proper [] expenses.

Because I provided documentary evidence of the embezzlement to Commissioner [] she also knew of the wrongful spending in clear violation of the temporary restraining order precluding the parties from wasting marital assets during the pendency of the case.

Therefore, forcing my client to trial, without all documents, would prevent me from proving a case of massive marital dissipation. We have the burden of proof on this issue, and once established, the burden shifts to the other side. This can only be done with all relevant records.

Truth is the goal of all litigation. I'd given Commissioner [] clear and convincing evidence of dissipation, as well as absolute proof the disclosure was incomplete.

No judge would force me to trial without all the documents and would probably censure the lawyer who failed to meet disclosure duties. Rule 65 provides for sanctions.

The free flow of information through mandatory disclosure is one of Arizona's significant procedural innovations. To quote Justice Zlaket, litigation is not a "game of hide the pea." This case is "hide the mountain of incriminating evidence."

[] provided no case law holding Rule 49 material need not be disclosed. I conducted extensive research, found no case holding that mandatory disclosure can be denied to a litigant, when requested by proper motion, as required by the Rules.

Mandatory is mandatory, a term, under the rules of construction, a thoughtful, competent judge should understand and give it its ordinary meaning. Mandatory means there are no exceptions.

It is inconceivable to me that Commissioner [] does not know the disclosure rules in family law matters.

She knows the rules. She knows exactly what she is doing: helping [] and guaranteeing I will never have complete access to all his client's records.

No judge has the right to assist a lawyer in the concealment of relevant evidence. I submit this is exactly what Commissioner did. She helped [] hide relevant information from me, with full knowledge I had a right to it.

This violates Canon 3.

We started the trial on [] We had several hearings. Commissioner [] insisted the case had to be completed in [] This was the ostensible reason for denying my motion to continue.

Yes, I answered ready for trial when I substituted in, but that contemplated full disclosure. Even if I had not substituted in, my client's former lawyer would have been in the same position with grossly incomplete disclosure. [] kept hammering away at me that I answered ready, so I had no grounds to request a continuance. But he knew he had hidden the documents and intentionally made incomplete disclosure. I submit any other judge before whom I've appeared would not only have granted me a continuance, but imposed sanctions on [] and/or his client.

Yet, she continued the case until [] I renewed my motions to compel disclosure as more facts surfaced. I have filed about 40 motions in this case already, because I have a duty to preserve these issues for appellate review.

Still, Commissioner [] will not give me complete disclosure. The case is now set for []

I specifically asked Commissioner [] during the trial for her reasons in denying me mandatory disclosure. She offered no explanation. She simply said: "denied."

I suggest she offered no reason, because she knew she was in error.

She could not muster a single case, a logical reason for denying my client's procedural due process rights. Her failure to provide any reason for appellate review makes sense.

No law gives her the right to suspend Rule 49, but she did, engaging in judicial law making which is beyond her power. Her actions were arbitrary and unlawful. This violates Canon 3, particularly because it proves her bias and partiality.

Essentially, Commissioner [] has become another lawyer for the husband in this case, in my opinion.

Complete Access to Data Given to Expert, But Denied to My Client

During the first day of trial, [redacted] was appointed to oversee the [redacted] owned by my client's corporation, because of the dissipation that was readily apparent. I had moved for oversight.

He declined this engagement after I sent him documents, spreadsheets and other information showing the extent of the husband's embezzlement of funds and apparent other bank accounts. I urged him to take control of all the bank accounts immediately and to set up a payment plan for thousands of dollars in employee wage withholding taxes the husband intentionally and wilfully refused to pay.

He withdrew, mentioning that his firm might be liable for nonpayment of federal wage withholding taxes. Obviously, he was also concerned that I would take action if he failed to meet his duties to manage the [redacted] and all the finances prudently. Clearly, my client has a right to competent oversight. Anyone who fails to do so should expect to answer for negligence or breach of fiduciary duty. I have a duty to protect her from wrongdoing. I am confident that he was aware that I would oversee his management carefully.

Because a corporation owns [redacted] and because my client is the sole shareholder (her husband is an employee), she is potentially liable for both criminal and civil penalties for failing to pay federal employee wage withholding taxes.

She has paid the taxes for [redacted] but the IRS account has only one FEIN (federal employer identification number) for reporting and payment purposes, so she remains personally liable.

[redacted] client has intentionally not paid federal wage withholding taxes for the [redacted] he has controlled exclusively for many months, which [redacted] has admitted for the record. The penalties are mounting, exposing my client to serious liability, as the sole corporate shareholder.

Penalties for nonpayment of FICA and other withholding taxes are 100%, not dischargeable in bankruptcy and nonnegotiable down. The duty to pay taxes falls on the corporate owner.

Nonpayment is a federal felony, punishable up to four years in prison or heavy fines in a civil action.

I repeatedly raised the risk of federal penalties to Commissioner [redacted] in motions when I requested disclosure of all the financial information from [redacted] client.

As the corporation owner, she has a right to all financial records.

Were this not a divorce case, my client would have complete control over all the financial records, sue her husband for breach of fiduciary duty as an employee, and resolve the matter quickly through a temporary restraining order.

She would also seek criminal charges against him for documented embezzlement and a scheme to defraud her. We would also sue for civil RICO. He has committed crimes, in my opinion. He escapes liability because this is a divorce case. Realistically, prosecutors rarely bring indictments when financial wrongdoing is before a divorce court.

Thus, the duty to provide my client with all documents concerning her corporation falls on Commissioner [redacted] now, as it has from the outset, but Commissioner [redacted] will not give me the documents, so I can protect my client.

While [] declined to manage the corporate restaurants, he is conducting a forensic accounting of the dissipated assets.

Commissioner [] issued an order that [] is to be given every single document he requests.

[] requested nearly all the documents I have not been able to secure, because he knows no accounting can be done without the cancelled checks and complete access to all bank accounts of the parties.

[] can have these documents, because Commissioner [] said so. She authorized [] to call her if either party refused to turn over documents to him and then she would take further action.

This is the same action she was required to take when I moved for compelled turnover of Rule 49 material.

[] is not a party to this case. He has no due process rights to information. My client does, but these rights have been intentionally destroyed by Commissioner []

[] is to prepare a report. Fearing she would not let me cross-examine him, I specifically asked for that right, which I have, but this is not enough.

When his report is prepared in [] I will never have access to the same documents he used to prepare his report.

I will not know if he secured all the documents or whether he included everything in his analysis. I will be given a limited amount of time to review his report. I should have all the same records he has now, so I can prepare for my cross-examination. But I do not and may never have the documents.

The most significant point is that [] requested most of the same documents that I have requested in my motions, but have been consistently denied by Commissioner []

I know of no case holding that an expert witness is permitted to have exclusive access to all the data used to prepare his opinion.

I cannot give a benign gloss on Commissioner [] decision to intentionally thwart my client's right to have complete access to the same records as []

This only benefits [] client. I will gladly present this Commission with the spreadsheets prepared by me and my investigators showing the movement of funds, based on only partial information.

[] client admits he took money, but claims he repaid it. My investigators are absolutely confident he has not. I have a right to prove my position, but can only do so with equal and full access to the raw data.

Commissioner [] cannot be ignorant of the fact that she has not secured a level playing field, and that she has assisted [] client, who has every reason to hide evidence and to prevent me from seeking the truth.

No law supports her decision to give a relative stranger to this proceeding greater rights to information than a party. Mandatory disclosure is mandatory disclosure.

As an aside, Commissioner [] returned an exhibit attached to one of my early motions for compelled disclosure, a document showing that about [] was taken out of

a [] bank account in ATM withdrawals at gaming casinos.

She called me aside and told me she didn't need this exhibit in her files, because experts were going to resolve such issues.

I have never been told by a judge in any state or federal court, whether in criminal or civil litigation, that my exhibits are useless, so irrelevant that a judge need not clutter up the file or that I need not waste my time informing the Court of the facts. I fail to see how evidence of wrongful taking of hundreds of thousands of dollars in marital assets is junk for the trash can.

I hope you can understand how I felt when this occurred. Imagine you are a lawyer in this case with hard evidence of embezzlement—which is what this is. You present it to the Court, who simply trashes it.

I had this sinking feeling in the pit of my stomach. She doesn't care about the facts. She's going to let somebody else, an accountant, win or lose my case. Is there anything I can do to protect my client? What do I do to protect my client? Appeal, of course, file a special action. Yes, but what this complaint raises is Commissioner [] fitness for the bench. This is the issue. Should a judicial officer be permitted to act in this fashion?

I submit this act alone shows Commissioner [] has no respect for the law or lawyers or her duty to consider the facts and make an independent decision.

Her conduct is unprecedented, I suggest. An expert offers an opinion, but experts can be wrong. I can only prosecute my case with the same information as the expert. If he is wrong and I am right, then Commissioner [] will have to analyze all the data and make a decision.

I have the distinct impression that no matter what I do, she will accept [] report as conclusive. And I will not have the raw data to confront him. That is the fault of Commissioner []

Improper Prejudgment of My Client's Credibility

During an *in camera* meeting Commissioner [] told me that my client "was crazy like a fox" and that "she knew what she was doing" and was "experienced in business." She alluded to her impression that my client was not credible.

Frankly, I didn't really understand what she was trying to say, but her comments were offensive. I was left with the impression she does not believe my client or that somehow or another she is responsible for some wrongdoing.

She has no right to disclose her personal views about my client to me during the pendency of this case. Fortunately, she did, because I now know for a fact that she has prejudged my case and my client.

This is particularly disturbing, because even though this case started in [] and has been continued from time to time, she has never allowed me to pose one question to my client.

[] has examined my client at length raising misleading questions. His courtroom demeanor is the least professional I have witnessed in [] He raises his voice to her, and asks questions with little grace, in my opinion. I requested Commissioner [] to restrain him and to lower his voice. But, she always denies my requests. He physically intimidates my client. She dreads taking the stand, because she knows Commissioner [] will not restrain him.

My client is an [] English is her second language. She is tired, distraught by

this lengthy matter, frustrated that Commissioner [] will not give her all the financial records. She has [] children and works six days a week. She is worn out by her husband's thefts. She is intimidated by []

Thus, to make any decision about my client's credibility until I have had a chance to examine her, to clarify all of the questions she answered on direct, Commissioner [] has no right to evaluate my client's credibility at this stage. She should not disclose her bias during the pendency of the case.

Commissioner [] has never disparaged [] client in my presence. I have not heard one word from her that [] client is incredible. I have never been given the chance to cross-examine him. I have no idea what latitude she will grant me or even if I will be permitted to cross him about his wrongful use of marital assets. It is possible she will prevent me and simply rely on [] report.

Denial of Due Process

When [] withdrew as a manager, some oversight was still needed. My client was not emotionally capable of taking over the [] in [] although offered the opportunity then to do so.

Commissioner [] selected [] to oversee the [] become a signer on bank accounts, review procedures and staffing and gather records for bookkeeping. The parties agreed to his retention. He drew up a contract.

We believed we would have an opportunity to review the contract, the duties and the contract amount. [] sent an email to Commissioner [] forwarded to me, saying he would only accept [] for three months work and would not add or deduct any amount whether he did more or less work.

My client was outraged at this price. A manager can be hired for [] a year. She has been in the [] business for [] years, built the [] which is very lucrative, if only her husband would not embezzle funds.

I filed a written objection to the contract amount. A hearing was scheduled, but she did not permit me to argue.

Commissioner [] said words to the effect, "I ordered this contract." I could offer no response. My client started to cry, because she has seen hundreds of thousands of dollars taken from her, denied the records she needs to protect herself from suit, been forced to trial with inadequate evidence, intimidated by [] on the stand.

The sum of [] represents a good amount of clear profit, after expenses, taxes and salaries. This money would go to [], who, it turns out, is a good friend of her husband.

Commissioner [] issued a fiat. She said the contract had to be signed before my client left court.

I submit that Commissioner [] exceeded the bounds of her authority, knowingly and intentionally. I submit that she acts as if she had the power to do anything to my client, irrespective of the consequences or potential harm. I submit that Commissioner [] is oppressive, arbitrary and abuses her discretion. A court does not have the power to place a litigant in debt against the litigant's will. Her fiat that the contract had to be signed amounted to a denial of property without due process of law. We had a right to negotiate the contract price and demand fixed terms for the work. Instead, Commissioner [] figuratively shoved the

contract down my client's throat.

We are still wrangling over this contract, because my client refuses to sign a document giving [] an interest in marital property to secure his payment. I also moved to remove him as manager, because since [] when the Court ordered him to begin his work, he has done nothing.

At the same time, [] client has opened a new bank account, withdrawn thousands more from a [] bank account, no wage withholding taxes have been paid, and [] has taken no control over the bank accounts.

At the outset of this now very long complaint, I provided an overview of this matter.

Now, I ask you once again to step back and imagine that you and your lawyer have experienced these events.

You know for a fact your spouse has taken hundreds of thousands of dollars from a business you created, worked hard, long hours to develop. You have seen your credit harmed.

You know you may risk federal problems with the back taxes. You have no right to review all of the financial records of the corporation you alone own. Every creditor will look to you for payment, not to your husband who has taken the money for gambling.

You have no idea how many bank accounts he has set up, but you know he has opened several new ones.

You know you have a right to all these records. You know your lawyer has asked for them (I have filed at least 40 motions in this case which is only [] months old), but have been denied the information.

You know you have a right to know all about his personal accounts, to track funds to see if he purchased real estate with marital assets. But you can't get the records.

Then an accountant gets all the records you have a due process right to, but can't have. You know your lawyer will not have all the same records when the report comes out. You worry that something is left out.

The judge in the case calls you "crazy like a fox," and disparages and insults you, prejudging your credibility before your lawyer has been given a chance to clear up a misleading examination. Your credibility is questioned even before your spouse is examined.

The judge forces you to sign a [] contract, which is a significant amount of money, considering that thousands are owed in back taxes and other bills you have no idea about. You realize the manager of your corporate restaurants is a friend of your husband, but the Court won't even let your lawyer argue against the contract amount. You're stuck.

Finally, the other lawyer throws papers at your counsel and says "f**k you" to her and the court does nothing.

How would you feel?

Is this conduct consonant with the best legal system in the world? Is this justice?

To paraphrase a line in "A Man for All Seasons," the play about Sir Thomas More's conflict with Henry the 8th :

"When you have torn down all the barriers to get at your enemies, what barrier will you have when your enemy turns against you?"

This, I suggest, is the fundamental premise of the law. We erect barriers to injustice that are equally enforced. We demand even handed justice, dispensed by competent, impartial men

and women, who respect the law and all participants.

This principle stems from the recognition that each of us may one day appear in a court, and on that day, we seek, no, we demand, justice. We demand enforcement of the covenant between the people and their government secured by the Constitution.

We demand fair and impartial decision making out of self-interest.

There's nothing wrong with that. All religions and philosophies counsel us to treat others as we would be treated. There is no greater commandment in my view than to do unto others as you would have them do unto you.

I seriously doubt that if Commissioner [] were divorcing she would countenance denial of her husband's bank accounts, all records concerning both sole and separate and marital property, that she would approve of a judge who prejudged her credibility or returned her lawyer's documents, or allowed her lawyer to be treated with intentional disrespect.

It simply does not make sense to me.

This may seem a highly emotional appeal, because I confess to a passion for the law.

But actually it is a rational and logical appeal to insure that every judicial officer guarantees fair and impartial justice and faithful adherence to the rule of law.

Our justice system is only as strong as the weakest link. Every judge sitting in every courtroom in [] has to measure up to the same high standards.

I have no idea why Commissioner [] has taken the ill-advised and arbitrary routes she has. I have documented all of this in scores of motions. Every issue raised here and many more are contained in my pleadings and her Minute Entries, as well as transcripts.

I cannot speculate about her reasons, but obviously she has some reason for her conduct. I assume she can explain it. I can only tell you of the impact this has had on my client, her family, her children and on me.

I leave the matter to your good judgment, wisdom and understanding.

Thank you for taking the time to read this. I know it is long.

I am required to affirm that everything above is true and do so here, except, of course, for statements of opinion.

I am sending a copy of this complaint to Commissioner [] because I believe she has a right to know of my actions. I have also told her on the record and in motions that I and my client believe she is biased. I told her recently that I would explain my position and in the appropriate manner. This complaint is the appropriate manner. I am also sending a copy to the Presiding Judge [] because this complaint concerns a judicial officer in her Court.

Sincerely,

[]

CC:

[]