

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-063

Complainant: No. 1330710333A

Judge: No. 1330710333B

ORDER

The commission reviewed the complaint filed in this matter, as well as the court file, and found no ethical misconduct on the part of the judge.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 30, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 30, 2008.

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

My name is _____ and I believe that Judge _____
Superior Court continues to show bias in Case _____. I am a single-
mother of two and have taken appropriate steps to file for a divorce from my
unfaithful husband who cheated and left my children and me without food or
transportation on more than one occasion. In _____ I filed a divorce decree
through the _____ Court. In an attempt to be fair, I attempted to give
my soon-to-be ex-husband, joint custody, however because he failed to show
up at court; the presiding Judge; _____ was unable to award joint
custody to him. This left me sole-custodial parent. Being a home maker,
having vested just as much time and energy into the welfare of our family;
_____ granted me 50% of my ex-husbands retirement pension during
this court hearing.

In January, 2007, as a result of decrease in visitation, I filed a modification to
increase my child-support. My request was not only denied
but reduced to \$250 a monthly, \$125 per child, which is 50% less than the
original court order. After he had made his ruling, _____ made the
statement, "*Well...you're the one that requested the modification.*" Meanwhile,
my ex-husband continued to pay \$500 a month for one child that came
subsequent to our divorce.

_____ not only refused to show impartiality, but miscalculated the new
order. In an effort to plead for oversight over the matter, I wrote Judge _____
who presided over my divorce. Soon after, I received a letter from _____
admitting error and his misplacement of court minutes, which

seemed suspect. All the while causing a tremendous financial strain on me and my children; having decreased child-support for a five-month period. Despite the fact that it was his error, I was advised that I would have to take my ex-husband to court in order to receive the retroactive child support. This is something that I dreaded because I have always had difficulty getting my ex served. I have still not been paid the arrears for this.

At any rate, a few weeks ago, I filed another petition through the Court, to enforce the original divorce degree in relation to division of property (my ex-husbands pension which was to be divided by 50%). In an effort to follow the protocol, I served him with a copy of the petition at the address which he utilizes as his home address. The certified letter was signed for by his parent at that address. Pima Superior Court was contacted and several clerks assured me that as long as it was signed for by a mature person, such as "*his parent or wife*", it would be effective service.

You can imagine my dismay when I realized that again, _____ would preside over this case. When I called into the court, I was unable to plead my case because _____ informed me that _____ *had called into the court stating that he had not been properly served*"; _____ said that he would send me the paperwork back, so that I could properly serve my ex-husband. He then referred me to the law library so that I could research how to properly serve someone. I explained to the judge that I do know how to properly serve someone, but my ex-husband will make this impossible for me. I asked the judge if he could suggest a different way of serving my ex and the

judge replied, "That's not my job." I would have to do this before the judge would hear the case (in essence, enforce the original court order). Once again, it seemed highly suspect that my ex-husband would be able to call in about a case for which he supposedly had no knowledge, and for this judge to, yet again willfully and persistently fail to perform his duty under the judicial system. Furthermore, in my original case, _____ granted the hearing despite the fact that the respondent had not been considered "properly served" _____ because _____ was aware that I had made honest attempts to have my ex-husband served, but he refused to allow himself to be served.

In conclusion, I plead for help to obtain a fair judgment in the cases heard by _____. My appeal is not to re-judge the case, but to enforce an earlier court decree which was established and ruled on by _____ Judge _____ took an oath to follow a code of judicial conduct, which he has failed to do. He vowed to uphold the integrity of the judicial system; avoid the appearance of impropriety in all judges' activities; and, to perform duties of judicial office by being impartial and diligent. Shouldn't he be accountable for his actions?

Thank you for your time.