

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-191

Complainant: No. 1340910062A

Judge: No. 1340910062B

ORDER

The commission reviewed the complaint filed in this matter as well as several recordings of the proceedings and found no ethical misconduct on the part of the judge.

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

Dated: December 9, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed
to the complainant and the judge
on December 9, 2008.

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

CJC -08 - 191

COMPLAINT AGAINST A JUDGE

Date: 7-27-08

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

I have already provided a letter with a detailed account of behavior. The Commission's letter says this form is to be used "please complete the form." The Commission's brochure says the form is not necessary. This contradiction reflects the tendency toward confusion based on the "legal" membership of the Commission. This membership - 73% "legal" fosters very little confidence in its ability or willingness to resolve complaints involving those in the "legal" profession. Be that as it may, my previous letter clearly describes behavior as biased (not impartial), which violates the Code of Judicial Conduct. angry (by her own admission) display of yelling at me on the phone and castigating me for not knowing/following the Rules of Family Law brings the Judiciary into disrepute for its hubris, arrogance, and attitude of being above the law. Her heavy work load is the excuse she gives. Her behavior is an example of the rule makers making rules to oppress the rule followers. By your standard of measure, it will be measured to you!

(Attach additional sheets as needed)

16 June 2008

The hubris, bias, and condescending behavior of Judge _____ in the case referenced above is a poor reflection on your profession and the legal system not the justice system, as there is no justice. Please consider the evidence:

- In the telephone conference _____ she raised her voice to the point of yelling, encouraged the petitioner to file contempt charges, threatened the respondent with jail, and considered the respondent a deadbeat dad from the outset. I (the respondent) have managed institutions with 15-20 staff and budgets of over \$700,000 with no incidents of mismanagement. I am in my late 40's with two Masters Degrees and have never failed to pay obligations such as child support. If the late support payment _____ was such a concern, then why was no question raised regarding it being satisfied in the contempt hearing _____ ? Because it was a farce and Judge _____ runs her court in a hubristic, biased, condescending manner that fosters lies, stealing, and cheating.
- The condescending manner in which I was castigated for failing to follow the rules of Family Law as the hearing opened _____ was uncalled for. As a Librarian, I don't condemn patrons for not understanding cataloging rules. As a teacher, I don't ream students for not grasping the rules of grammar. As a patient, I appreciate the hospital not telling me that before they operate, I must master their operating room procedures. Rightly did Jesus condemn your profession (Luke 11:52). Understandably, God condemned the rule makers for teaching as doctrine the precepts of men (Isaiah 29:13). In your priestly robes will you all stand before the one true Judge and be judged by your own standard of measure.
- Worst of all, Judge _____ acted in a manner bad for our 10 year old son, kicked me out of the house I paid for, lacking any evidence or suggestion of domestic violence. But for the sake of the petitioner's privacy, our son too was forced out of the home to spend time with his dad.
- In a community property state, the property, debt, and assets were not divided equally.
- Evidence was presented that the petitioner lied on the stand but Judge _____ refused to consider such evidence.
- Though every effort was made to cooperate with mediators and offer reasonable solutions, Judge _____ acted with total disrespect to such efforts by the respondent, fostering the dishonest and disagreeable character of the petitioner. For example, when the house was finally sold, the petitioner refused to divide the property according to court guidelines, refused to split costs of the sale according to court guidelines, and threatened to move back into the house, ignoring the Judges order that the house must be sold. Judge _____ ran her court in such

a way that this dishonest and disagreeable behavior was encouraged because the Judge was quite disagreeable and disrespectful herself.

- Evidence was presented that the petitioner failed to disclose income and assets. Judge only told the petitioner's attorney that this was not done in Family Court but no disclosures were ever forthcoming.
- Misleading claims were made by the petitioner regarding respondent's income but they were not corrected until the respondent brought them to the attention of the court. They were part of an ongoing effort to bias the court in the awarding of an inequitable amount of alimony. The Judge dismissed this as a mere misrepresentation of the facts that would be corrected.
- While the respondent accepted full responsibility for community debt and offered all the equity of the house to the petitioner, no credit for such an offer was given. Instead the respondent was penalized for the petitioner's procrastination for accepting the respondent's offer to pay an auto loan with another loan against his retirement account. This uncooperative behavior (typical of petitioner) cost money in penalties but the respondent was charged with these expenses, not the petitioner.
- Judge refused to order the house to be sold at the outset of this action, costing the respondent great expense. I took a promotion in another town for less money. The higher quality of life made this offer worthwhile but Judge seemed to gladly heap additional costs on the respondent giving the petitioner the false sense that she could live cost free during this case, prolonging the duration of the case at great cost to the respondent.
- All in all, Judge conducted herself in a most arrogant manner, added great expense to the parties involved, refused to consider evidence that fostered lies in court, made incompetent decisions that only delayed the inevitable (e.g. sale of the residence), and acted in a biased and disagreeable manner that encouraged the petitioner to act likewise.
- Judge penalized the respondent for being unreasonable by requesting sole custody. This penalty amounted to \$5,000 in attorney fees. Acting in manner considered in the best interest of my child is unreasonable, to the tune of \$5,000?

We all report to someone and if someone who reported to me conducted themselves in this manner, I would want to know about it. Judge behavior dishonorably reflects on any profession that might seek to value human dignity. In my profession, people are the priority not the precious rules that guide us as practitioners of the profession. Forgive me for not having a law degree. I chose my profession and am glad for it because it is not about money, power, or position. It's about people. This is a point which lawyers just don't seem to get or they just don't care, making rules to favor the rule makers.