

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-104

Complainant: No. 1361100622A

Judge: No. 1361100622B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. Most of the issues raised by the complainant involve legal matters outside the jurisdiction of the commission, and the remaining issues lack sufficient evidence to show the judge violated the Code of Judicial Conduct. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 28, 2009.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 28, 2009.

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

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

FOR OFFICE USE ONLY
CJC 09-104

COMPLAINT AGAINST A JUDGE

Your Name:

Judge's Name:

Date: April 19, 2009

I believe a complete review of this case, including the digital transcripts, will show that Judge violated several of the judicial performance standards. Referencing Rules of Court, as follows:

Rules of Court 2.2:3. " ... a pattern of legal error or an intentional disregard of the law may constitute misconduct."

There were continual events of errors in my case which show a pattern. There were several hearings scheduled but not enough time allotted to conduct the whole business; so another hearing would be scheduled. There was so much time between hearings, that the judge did not recall certain facts in the case. He came to court unprepared, without the case file. I provided him with my documents at times.

I inadvertently had occasion to observe Judge on Monday, April 13, 2009, at 12:30 p.m. leaving the courthouse. He was directly behind my vehicle at the stop sign to turn onto Highway . There was traffic from both directions, and as I was waiting at the stop sign, Judge honked at me several times. He then went around me to the left into the turn lane designated for other drivers into the courthouse and into traffic, causing drivers to brake to avoid him. As I got my vehicle to the 65 m.p.h. speed limit, Judge white government sedan was almost out of sight. If this is an example of Judge commute to the court, it would explain his lack of preparedness.

A total review of this case including the digital transcripts, as minute entries were erroneous, I believe will show total disregard for the law and the evidence. Judge did not take my evidence into account when making his "Decision and Order on the Dissolution of Marriage" and the Arizona Revised Statutes and the Preliminary Injunction were disregarded. I filed a "Motion for No Contact" Feb. 23, 2009 proving the Preliminary Injunction was again being violated by Judge ruled on my Motion June 6, 2009, after his ruling on the Dissolution of Marriage. My constitutional rights were violated several times in this court..

Rules of Court 2.2:4. " ... for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard."

This was not the case in Judge court. Special allowances seemed to be made for , my ex-husband's attorney. My complaints are as follows:

- 1) I represented myself. As I had no counsel to present the evidence or cross-examine me, I prepared opening statements for each hearing in the hopes of presenting my information. Judge never allowed me to make an opening statement. In fact, he stated at one of the last hearings, when I requested the time for a statement, that there was not enough time for me to do so;
- 2) , the respondent's attorney, was allowed to proceed before I, the petitioner;
- 3) Respondent's one witness was allowed to testify twice. I had eight witnesses disclosed to the court, of which only two were able to testify due to the court's constrained time scheduling. When I was finally allotted time for my witnesses, Judge told me there was time left for "one" of my witnesses, and to pick which one would testify.

Rules of Court 2.3:(A) "A judge shall perform the duties of judicial office, ... without bias or prejudice."

Rules of Court 2.3:(C) "A judge shall require lawyers ... to refrain from manifesting bias or prejudice, ... including but not limited to ... disability, age, ... against parties, ..."

was in default of responding to the original Dissolution for Divorce which were docketed Sept. 18, 2007. I requested mediation court. angrily walked out when I presented my lists of properties and assets to be discussed. Respondent and his attorney did not respond to the set of Uniform Interrogatories within the forty day time limit, which prepared and I paid for. (I was only able to hire for a short time as I could not afford his fees.) Respondent and attorney did not file any supporting evidence nor exhibits throughout the trial. During one of the final hearings, provided a fraudulent financial statement for When I made reference to the erroneous nature of this statement, Judge wrote notes but did not question either attorney nor respondent on the figures or documentation.

, the respondent's attorney, made several derogatory statements, claims, and innuendoes regarding my age and socioeconomic status. Attorney commented several times that I was much younger than my husband, when I am only four years younger. He suggested I had married him for his money and the community property had been paid off before I met him (although the facts I presented showed the opposite). also alluded to my coercing my husband into giving me a 20-acre parcel, which would have been my half of the community property, and that I had basically absconded with the \$30,000 proceeds. Judge Decision and Orders address this issue. (see attached Decision and Orders) This 20-acre parcel had extreme significance on my income and reason (s) for spousal maintenance as my ex-husband admitted he "gifted" it to me in lieu of working; and an earlier "conflict of interest" motion I presented against . He was my attorney in a dispute over this parcel and I dismissed him for inept performance. My exhibits show the majority of these proceeds from this gifted parcel went into community property improvements and equipment but were ignored. Two of my witnesses could have testified to son, stating these same allegations, but were not allowed to testify due to the court's lack of time scheduling.

repeatedly referred to disability. It was only at one of the last hearings, I was able to bring into testimony, the fact that I was awarded a fifteen percent back disability in 1982.

treated my North Dakota farm, an inheritance, as community property. (This is evidenced in Judge "Decision and Orders".) At one point, turned to with a photo of my family farm and asked the judge if he wouldn't "like to own a third" of the farm.

My ex-husband, and his son placed a fraudulent order of protection on me with the intent to defraud and defame me. It also was intended to keep me from my property. Although the order, dated Aug. 31, 2007, was served on me, my right to a hearing, in ten days, was delayed for months. I discovered on or about Jan. 24, 2008, that Superior Court had not received the order. I went to Magistrate Court to expedite the matter. On March 10, 2008, a Pretrial Conference and, five months and three weeks after my request on the Order of Protection hearing was to be heard by Judge and his attorney lied to the court by stating the hearing had been held Sept. 18, 2007, and that an "officer was present" and testified against me. I explained a hearing had been scheduled but no evidence nor witnesses had been heard as Judge had remanded it to Superior Court four months ago. Judge reviewed the digital recording of the Sept. 18, 2007 hearing in Magistrate Court, and found I was correct. However, he did not find nor in contempt nor reprimand them.

On April 21, 2008, my hearing on the fraudulent order of protection was finally held in Judge court. A transcript of this hearing would show that could not recall the date of the alleged abuse, and when questioned, thought it "may have been 2001 or 2002". Judge remarked that would be more than one year, yet did not dismiss the order at that time. looked at his counsel and said "That's what we based it on ..." indicating the conspiracy to defraud between and in obtaining the Order of Protection

My evidence, voicemail(s) admitting the order was obtained fraudulently, and

presented and accepted by the court, was ignored. Again, my witnesses, heard state that his father had been married several times and knew how "to work the court" but were not allowed to testify to the intent of these two men.

At the closing argument hearing, February 2, 2009, accused me of delaying the proceedings because I brought into the case. was a third party in this divorce, as my original divorce papers proved. (see original Dissolution of Divorce papers attached.) Please note, these were inadvertently filed with the paralegal's handwritten notes "harrasment (sic)s and vandalism" and I presented evidence in police reports from County Sheriff's Department showing was the suspect in "criminal damage and trespass" to my vehicle and the residence where I resided. , owner of the property, and one of my witnesses, was never on the stand to testify to these actions.

Also, at the closing argument, made a statement regarding my "sloppy bookkeeping" regarding the substantial number of bookkeeping exhibits I presented and were accepted by the court. statements, were definitely meant to bias and influence, and not corrected by the judge. Judge Decision and Orders, dated March 31, 2009, are further evidence of the bias and prejudice against me.

Rules of Court 2.4:(C) Comment 1. "An independent judiciary requires that judges decide cases according to the law and facts, ..."

The facts, ie., copious exhibits I presented and were accepted by the court, show Judge did not decide this case according to the "law and facts" (see Motion of Reconsideration attached)

Rule 2.5:(A) "A judge shall perform judicial ... duties competently, and diligently, and promptly." 1. "Competence ... requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary ..." 2. "A judge should seek the necessary docket time, ..." 3. "Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual ...expeditious in determining matters under submission, ... and to take reasonable measures to ensure that ... litigants, and their lawyers cooperate ..." 4. "In disposing of matters promptly and efficiently, must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost of delay. A judge should monitor and supervise cases ... that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs." 5. "... Article 6, Section 21 provides ...'Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the submission thereof.' "

My Dissolution for Divorce was docketed Sept. 18, 2007. Judge signed the Dissolution March 31, 2009. My right to a hearing on the fraudulent order of protection within ten days was held five months and three weeks after my request.

I have expended almost \$4,000 on legal fees, most of which were unnecessary had I been treated fairly in this court.

Rules of Court 2.6:(A) "A judge shall accord to every person ... the right to be heard according to law." 1. "The right to be heard in an essential component of a fair and impartial system of justice. ..." 2. "A judge plays an important role ... do not undermine any party's right to be heard ... "Among the factors that a judge should consider when deciding upon an appropriate settlement practice for a case are (1) whether the parties have requested or voluntarily consented ... in settlement discussions, ... (5) whether any parties are unrepresented by counsel ..."

As stated in above paragraphs, these rules were disregarded by Judge I provided and voluntarily requested any and all available avenues for settlement within the legal time limits. My ex-husband and his attorney did not.

I am respectfully requesting a complete review of my case and expediently as possible. I have filed for a "Reconsideration of the Decision and Order" but will have to file for a new trial if Judge does not

look at all the evidential proof again. My funds are extremely limited due to this court's decision(s) and the length of time involved. I am only asking for justice and believe an investigation will show that I was not treated right nor just in this case.

enc.: Petition for Dissolution of Marriage
Decision and Orders Granting Dissolution of Marriage
Motion for Reconsideration