

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-253

Complainant: No. 1428610911A

Judge: No. 1428610911B

ORDER

The complainant alleged that a superior court commissioner demonstrated bias in her divorce case by not allowing her attorney to cross-examine the respondent and by making erroneous decisions.

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.

After reviewing the information provided by the complainant and the case history available online, the members of the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of the commissioner's decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 16, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 16, 2011.

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

CONFIDENTIAL

State of Arizona

Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2011-253

COMPLAINT AGAINST A JUDGE

Your name: _____

Judge's name: _____

Date: _____

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

I am requesting that the state of Arizona investigate the
misconduct of Judge _____ in the case of
_____ vs. _____ Case NO: S1400002009
First and foremost I would like it to be noted
that Judge _____ concluded the trial in this
above case without providing Petitioner's Counsel the
right to cross-examine the Respondent. Her statement
(Judge _____) was "she had enough information to make
her decision." Cross examination is a fundamental right
in the American System of Justice, a right that she
denied Petitioner's Counsel. This wrongful act coupled
with numerous improper rulings against the Petitioner
in favor of the husband clearly exhibited that the Court
(Judge _____) was biased and prejudicial in the above case.
The following are additional improper rulings against
the petitioner. The duration of marriage was 12 1/2 years.
The Court ruled this was not a marriage of long duration.
A marriage that is longer than 10 years is presumed
to be a lengthy marriage. The marriage of 12 1/2
years is considered to be a marriage of long
duration according to Military law, the U.S. Census
Bureau and Civil law. Upon all my research
I did not locate where it stated my marriage
was not a marriage of long duration, to the contrary
is was totally the opposite, my marriage was a long marriage.

(Attach additional sheets as needed)

The court denied Petitioner an award of spousal maintenance. Pursuant to A.R.S. § 25-319(B), Petitioner should have been awarded spousal maintenance after considering the following factors which are relevant factors. (1) The court ruled that the impregnation of the parties were accustomed to above average standard of living based on the husband's earning abilities. This ruling is incorrect as we were accustomed to a very high standard of living. (2) As previously stated, the marriage was a marriage of long duration. (3) The age, employment history, earning ability and physical and emotional condition of the spouse seeking maintenance. The court ruled that Petitioner did not present evidence that she suffers from an emotional condition that prevents her from working. The court ruled that Petitioner did provide evidence that she suffers from depression and also provided evidence that she has been affected by death of her mother and by the death of a close friend. I did present evidence and testimony at trial that I suffer from depression as well as emotional/mental conditions. According to many studies as well as to the Mayo Clinic findings, depression is a medical illness that involves the mind.

and body. Depression can lead to a variety of emotional and physical problems including trouble doing normal day-to-day activities.

Depression can make a person feel as if life isn't worth living. Depression is a chronic illness that usually requires long-term treatment. Untreated depression can result in emotional, behavioral, and health problems that affect every area of a person's life. Adults with depression may feel dissatisfied w/ life in general, bored, helpless and even worthless. They may always want to stay home, rather than going out to socialize or doing new things. Events such as death or loss of a loved one, financial problems and high stress can trigger depression, all of which petitioner has experienced. Furthermore the termination of spousal maintenance has caused financial stress that has had a severe impact upon petitioner's health. The ability of the spouse from whom maintenance was sought to meet that spouse's needs while meeting that of the spouse seeking maintenance. Respondent's gross income is over \$10,000.00 per month. Respondent is more than capable of meeting his needs while meeting the needs of petitioner. Petitioner's

income is ZERO. Respondent's comparative earnings ability are significantly more than that of the Petitioner. Respondent is a Lt. Col in the USMC. Petitioner is unemployed. Petitioner was a home maker. The Courts consider home making services to be as valuable as income production, that does not seem to be the case in this Court's findings. Petitioner has no financial resources, NO marital property was apportioned to petitioner. As stated above there were several improper rulings in this Court case. I am confident that you will find that as well as you investigate this matter.

Yours Sincerely

