

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-083

Judge:	No.1084214914A
Complainant:	No.1084214914B

ORDER

The complainant alleged that a superior court judge was biased in favor of his wife and unfair in his rulings in their dissolution proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: April 16, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on April 16, 2014.

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

2014 083

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

please see the attached
4 typed pages please

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COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

On the Honorable, heard the trial between the
Petitioner, and Respondent, Each was
represented by counsel.

The reason for this complaint is to bring attention to the biased opinion and negative conduct towards the Petitioner. The following issues explained below are in order of the decree by page and paragraph for referencing.

PAGE 4, 4th PARAGRAPH: finding from the court that said the are old enough and wish to live with mother. As previously noted the are in conflict with father, but on PAGE 7, PARAGRAPH 1, it was acknowledged that the father has a significantly better relationship with youngest . Why force a distance with the that already has a good relationship with her father?

PAGE 7, 2nd PARAGRAPH: The judge mentions the father's strong desire to reunite with his father waited until to seek counseling which was two and one half months after the Parenting Conference. Therapeutic intervention was in the process, but the judge would not allow in to evidence testimony from Dr. stating that the relationship between and father was good and progress was made with middle Father also testified that to date had already stayed days which included multiple overnight stays. Since the decree was given to mother, she has interpreted that the do not have to stay with their father at all unless it is convenient or they desire to do so. This is a perfect example of parent alienation.

PAGE 7, 3rd PARAGRAPH: the judge gave his opinion by saying that the father has failed to follow through with actions to back up his statements to maintain a good relationship with his The father would LOVE to see his , but the judge, himself left the ultimate decision up to causing severe difficulty to have any opportunities to reunify the relationship with his

PAGE 8, 1st PARAGRAPH: Judge gave the mother 2 weeks of uninterrupted time in the summer with the while never mentioning the father to have ANY uninterrupted time in the summer or any time at all throughout the year, which is another example of parent alienation and lack of support or opportunity to reunite.

PAGE 9 3rd PARAGRAPH: Mother insist that the father will earn more in 2013 than he did in 2012 which was all but speculation and hearsay from mother's testimony. Nothing was proven; in fact evidence was given to show that the father made less in 2013 due to disability and shoulder surgery. None of this was taken into consideration even though father gave evidence that he was only receiving a week in disability. All of this testimony was speculation from mother and judge again made biased decision with taking in only her verbal testimony.

PAGE 11 LAST PARAGRAPH: The judge again takes mother's proposal and not facts on how many days of parenting time that had occurred the six months prior to trial. It was a total of days. Still only gives the father days a year, six hours a visit per week. Which was less than what had already been established prior to trial.

PAGE 8 2ND PARAGRAPH FROM BOTTOM: The judge claims the mother made per month and father does not challenge. Here, on PAGE 12, 1ST PARAGRAPH, judge states mother's income was reduced to as per her AFI, NOT to the evidence of her pay stubs. But father's AFI shows him making per month and judge still does not take into consideration.

PAGE 13, PARAGRAPH 2, #3: Mother has the capability of having a well paying job, she did however take time off to be a stay at home mother. The father claimed that the mother never took time off to be a stay at home mom, the mother had worked numerous jobs through out the marriage and testimony from father was given to support this evidence and mother never objected. With this put into consideration, Judge awards mother spousal maintenance. Mother makes only per hour less than father's income. This is another example of partial/biased decision making from Judge

PAGE 14, #7: Judge claims mother did not follow available career paths due to her raising the children. She clearly is in a "catch up role" in the labor market. With evidence clearly showing she makes well above the median income. Mother also lied under oath that she was a contracted employee, but evidence was shown that she was employed for the same company for five years.

PAGE 14, #8: The judge makes an opinion that the father has not demonstrated any interest in providing future educational costs and the courts believe he would not do so voluntarily. This is all speculation and gives father no credit for making past and present efforts and making efforts to pay for future educational costs.

PAGE 14, #9: The judge claims the division of property will not allow mother sufficient assets in order to meet her reasonable expenses. What is reasonable expense? The she spends on clothing on her AFI report?

PAGE 14 #10: Mother has worked jobs and maintained a good income. One of the jobs is of a temporary nature, which was testified by mother. The whole idea of spousal maintenance is to become financially independent. She has maintained that throughout, but Judge gives a biased decision to award spousal maintenance to mother who makes good income. Of which Judge recognized in court.

PAGE 15, #12: Judge again allows testimony for wife's COBRA cost estimate of per month, no payment stubs or proof of evidence was even given for what the actual cost was and judge awards her spousal maintenance to cover that.

PAGE 15, #13: The judge does recognize her AFI report exhibit #4, the difference of mother's monthly income and expenses was but awards her a month child support and spousal maintenance. This mathematically does not compute.

PAGE 18, UNDER DEBTS: There were debts that were identified. of these debts were not given as evidence or exhibits, which was and credit cards that were accrued AFTER mother moved out, but orders the parties to split 50/50. The judge used mother's AFI to get this information when it was never entered as an exhibit. Only debt were put into exhibits. Again the judge bases his decision off her AFI only and it was not recognized that of the debts were accrued by the party AFTER date of separation.

PAGE 19, UNDER EQUALIZATION: The mother and father in pretrial conference agreed mutually that the vehicles they each had in possession at that time would be their sole property. The mother violated the preliminary injunction stating that no property should be sold or purchased until the divorce was final. Mother intentionally goes out to pad her expenses and debt by buying a brand new vehicle and trades the vehicle that was mutual property. The judge does not take this into consideration, but awards mother an equalization difference for her old vehicle when she already traded it in for a vehicle worth much more than the value of the vehicles the father currently has. The judge awards her of which of it was already settled prior to trial. This is another example of biased opinion, decision and overlooked facts from Judge Brodman regarding equalization.

PAGE 21, 2ND PARAGRAPH: The judge clearly looks down towards the father in this paragraph. He makes his own personal opinion based exclusively on the mother's perception and not the overall situation that occurred. The mother voluntarily moved out of the residence and while the father was at work, without forewarning, hires a locksmith and breaks into the home that she moved out of to retrieve property that was not hers and to more or less clean out the home, leaving the father with nothing.

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In summary, for the judge to belittle and speak negatively about the father clearly demonstrates that the judge had a biased opinion towards the father and made his decisions in this decree to represent what he felt of the father. The judge definitely made unethical and immoral decisions in this decree. The decree should be scrutinized in order to reflect the judge's decision. Judge [redacted] was given this case originally and 2 weeks prior to trial, this case was given to Judge [redacted] who has an emphasis in the criminal court cases. I feel I was treated as a criminal with no fairness in this case. Because of this decision he made, he has forced the father who can no longer afford to live unless he files bankruptcy. This will add more court costs, attorney's fees and court's time. This decision has also granted further parental alienation with little or no positive outcome for father to have the hope of reuniting and healing the relationships with his [redacted]. How can this possibly be in the best interest of the children in the long run? I ask, in fact beg for the Commission on Judicial Review Committee to look into my complaint and look at the statements that were brought about to reprimand Mr. [redacted] so this can not happen to another case that causes unnecessary pain in an already painful situation. Thank you for your time and consideration in this matter.

Respectfully,