

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-208

Complainant: No. 1210310363A

Judge: No. 1210310363B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. If a judge makes an incorrect ruling or misinterprets the evidence, the correct remedy is to appeal to a court with appropriate jurisdiction. There was no evidence of gender bias on the part of the judge.

The complaint is dismissed pursuant to Rule 16(a).

Dated: August 29, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 29, 2006.

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, Arizona 85007

FOR OFFICE USE ONLY

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COMPLAINT AGAINST A JUDGE

Your name

Judge's name

Date:

8/7/06

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.

In I filed an Application for Name Change of minor child. I had a DR matter, however, nothing was currently pending at the time of this Application. I had a runner service file the papers with the number written on the documents as they told me to do since I had an open case. Upon attempting to file, the runner informed me that the Clerk would not allow the matter to be filed with the DR number as an Application was a Civil matter. The number was whited out (if you look in the court file you will see that) and the case number was stamped on it by the Clerk.

Along with the packet from the Courts on-line forms came instructions about how to file & serve the notice of hearing on the opposing party. I followed the instructions by sending it certified mail/restricted delivery which the opposing party refused to pick up, after 2 notices, at the post office.

On an attorney from the firm agreed to handle the hearing for me, which we had before Judge Judge reviewed the paperwork & signed the Order for change of name for my son as the opposing party did not appear at the hearing.

(Attach additional sheets as needed)

Attached to my Application I set forth my reasons for the name change request. The first paragraph set out the fact that the child's name was change via an ORAL request (that never should have been allowed to be heard in the first place) before a custody and relocation hearing before Judge [] at a [] hearing.

Also during the name change hearing, my attorney even informed Judge [] that during a [] hearing the father made an oral request for a name change and we were coming before him now because the child just began kindergarten and was having difficulty accepting the father's name added on to his birth surname of [] so Judge [] was made aware of that fact twice, and that our matter was based on the best interests of the child. Yet Judge [] claims he was NOT informed and acted as if I pulled the wool over his eyes, so to say. Perhaps these Judges can review the paperwork given to them before they falsely accuse someone of such a deed.

The father's attorney field a Rule 60(c) Motion based on fraud, no service to the father and accused me of forum shopping stating the matter should have been before the DR court. They also requested fees and costs for having to file their Motion and Reponses. Judge [] then shockingly SET ASIDE the order changing back my son's name (my order was signed on [] then in early [] we received the one setting it aside but it was dated []). Not only did he set aside the name change, after I had already changed all of my son's important paperwork, and he had been able to use just [] for all of the rest of his school year and was quite happy, but he also awarded fees and costs based on ARS § 13-397. My attorney filed a Motion for Reconsideration on the fees and costs and a Motion to Clarify [] correct name and how it was to be written and used exactly based on the order from [] dated [] but he would have none of that. You could read in his minute entry how angry he was because the defendant's attorney had convinced him that I tricked him in some way and forum shopped. How ludicrous. Instead of holding another hearing and allowing the defendant his day in court, even though this [] year old man refused to pick up his registered letter with the hearing notice, we still would have allowed him to have his day in court, Judge [] instead said it should go back to the DR court and that I should be basically sanctioned because he was not informed of the previous order from [] which by the paperwork you will see is incorrect.

Judge [] simply wanted to wash his hands of the matter instead of acting like a Judge and perhaps sanctioning the other party for purposely not retrieving his mail and then crying foul. Instead, he would rather vilify the mother, who bore and raised this child, and then fine her nearly [] because his ego was hurt in some way. Judge [] is flat out siding with the father's counsel by accusing me of lying and forum

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shopping. If anyone should be fined, it should be the Superior Court Clerk who refused to file my Application for Name Change with the DR number that was provided to her and forcing it to be filed in the Civil Division.

I filed the Application on behalf of my son who was having huge difficulty accepting the name change. It was filed in good faith and in the best interests of the child pursuant to ARS § 12-206 (b) and in no way did I set out to "forum shop." It is appalling what I have had to go through in this Arizona court system as a mother.

By setting aside his [] order changing my son's name back to [] he has done a great disservice to this child he is supposed to protect and help. He also basically set the poor example to the father that if you lie and just refuse to get your mail, you will win in court, and penalize the single mother who is attempting to only seek what is in the child's best interest. I don't see Judge [] caring about the fact that [] abused her power and allowed this man to request a name change when my son was [] after having been nowhere around for several years and never filed a Petition seeking a name change until that very day of the hearing. No, no one seems to care if a Judge oversteps her boundaries and goes against the statutes as they are written, but go after single mothers and sanction them when they are just barely making a living. Unbelievable.

Judge [] has failed in upholding Canon 1 - the integrity of the judiciary. How in the world does a citizen, who follows the directions of the Court personnel, follows the directions of the self-service packet information, then ends up being penalized for complying with all of the terms?

If Judge [] felt that this matter was overwhelming for him and the fact that the other party is allowed to ignore his duty, then he should have just said, you know what, there were some errors from the Court System's end and on the filing of this matter and jurisdiction should be moved over to the DR court for further review. Judge [] should not basically call me a liar, when he was informed of a prior hearing and then sanction me for it. Not only that, the hearing was [] years ago. Things changed in my child's life and he pleaded with me daily to do something about that name, or I would have waited. Is there never a time when you can approach the Court again? I cannot believe I was not allowed to pursue that matter under the circumstances. It's not like I had an extra [] lying around just to waste and now I am going to be paying [] to this other counsel, which will have to be garnished from my wages since I don't have that kind of money lying around.

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I have been a [redacted] for over 20 years and only in Arizona have I been a part of the "system" as I did not have an obsessed individual harassing me any other time in my life, and needless to say, this Arizona Court system is the worst system I have ever seen. I have heard this from other people also. To say its backwards would be an understatement. Where a mother is treated like a criminal and the Johnny-come-lately father gets everything he ever asked for and more. It seems the Judges I have encountered (other than Judge [redacted] very fair) seem to favor father's rights over the law, and over the mothers, who used to be considered extremely valuable to the raising and nurturing of their children.

I have spoken before the [redacted] after the horrible order and name change that Judge [redacted] handled. I spoke in [redacted] about changing the laws so that Judges could not make decisions based on a whim or to basically, as in my case, just slap me in the face because they didn't like something that was said, or it didn't come across how they wanted it.

I was going to wait until [redacted] was ole enough [redacted] to sign his own affidavit requesting the name change, however, he began school, and he had to use and write his new last name for the first time. He pleaded with me daily to change it. While I worried about having to go to the court system against after prior experiences, I did it for my son. He was thrilled with his name change, has used [redacted] for months, and then Judge [redacted] wipes it out as if it never occurred and then falsely accuses me of things that did not occur. Now he is fining me thousands of dollars to pay for the father's attorney that I cannot afford. Had the guy showed up or even if his counsel filed her appearance in the Civil case, they would have had no excuse for not showing up. I understand that the Judges are a big "clique" and no one wants to step on another judges toes and override their previous orders, but for goodness sakes, they are hurting families and children all for the sake and their buddy system.

Don't you think I would have rather filed with my DR number which cost [redacted] versus the [redacted] its costs to file an Application in the Civil Division, plus the money I spent to serve the father the papers? The Superior Court Clerk made me file it with the Civil number. I should not be penalized for this.

Judge [redacted] doesn't even take into consideration that in [redacted] years my son will have had 3 birth certificates. With his reversal, it will be 4. This is not some puppy dog whose name you can keep changing and he'll just adapt. This is a young child, in the middle of the worst situation, stuck with two parents who barely know each other first off, and a father who thinks he's owed naming rights because he was forced to pay some child support. In the meantime, failing to acknowledge that the name his son wants is the one

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he was given by his SINGLE mother at birth. Judge [] is removed from this matter. To him it's just another faceless kid. When he goes home for the night, what he has done doesn't affect him one bit - his mind is clear. I am the one who [] is going to come to and ask why? Which by the way, he did just the other night. Along with all of that, I will be forced to pay a lot of money all for following directions of his own court system.

Somehow, I am failing to see how this is a fair judicial system. Judge [] has the nerve to change my son's name as if she was carrying him for 9 months and then gave birth to him. Does she think she is God or something? But Judge [] doesn't even consider the fact that [] didn't even follow proper procedure because well, after all, she IS a Judge!! Gosh, no judge could possibly make a mistake or do something horrible, could they? Just watch [] sometime on how many disgusting terrible judges are out there overseeing the public and making horrible decisions and rulings and endangering children in this world. Then a single mom files proper paperwork, just as is required, and then penalize her with sanctions.

However, I don't want to belabor the horrible ruling Judge [] make [] years ago. I am here to focus on Judge [] He was the Judge, he made the decision to change [] name. Short of the father making some incredible and convincing arguments of why this child should not be returned to his original birth surname, he should have left his decision alone. [] was using the new name and the father refused to acknowledge the hearing that was going to occur. That was his poor choice, but not according to Judge [] No, the father then was made out to be a poor father who was taken advantage of, then refused to see what he was going to do to this small child, he reversed his decision. The one thing he should have done was asked to meet in chambers with the minor child. [] would have told him what he wanted, but Judge [] didn't care.

I ask that you review this matter so that other single mothers are not treated with such disrespect and disdain.