

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-086

Complainant: No. 1306610660A

Judge: No. 1306610660B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge, who is no longer on the bench. The commission has no jurisdiction over family court procedures. The appropriate remedy in this case would have been through an appeal.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: June 19, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 19, 2007.

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

March 23, 2007

CJC-07-086

If a Family Court's job is to fairly settle family disputes, while minimizing the effects that children will encounter from a marriage dissolution, then why, of all the options a family court judge has, would a judge reward the an abusive, malicious person for their disregard for law and court orders?

My trial was [redacted] and ran until 5:40 p.m.. I was unfortunate to be the last trial Judge [redacted] heard before leaving the bench because she wasn't re-elected. I understand Judge [redacted] took a two week vacation before leaving the bench [redacted]. Therefore, she couldn't have spent any time going over the evidence presented at the trial. This further concerns me because on the day of my trial, Judge [redacted] seemed to be suffering from a bad cold. She appeared to have a difficult time staying awake and frequently needed to blow her nose. This is it would have been crucial to review the 50+ exhibits when making a final ruling. It appears she blatantly disregarded all the evidence that was presented to her. I understand Arizona is a community property state, and how this effects decisions. There was plenty of evidence of the years of abuse I suffered and plenty of evidence that my ex frequently and maliciously hid community money, purposely increased community debt as methods of attack on me personally. In many areas of community property, the law says that things should be divided "equitably", not "equally". Judge [redacted] complete disregard for how her ruling effects the individual lives of my two kids, and myself is unbelievable.

I just spent [redacted] years in [redacted] Superior Court trying to divorce my abusive husband. We have two boys, a [redacted]. My ex-husband stated many times he wouldn't be happy until he saw me homeless, and living in the streets. This way he could prove me unfit and get full custody of my children. Well, his high priced attorney, [redacted] and Judge [redacted] gave my ex-husband exactly what he wanted. She patted my abusive husband on the back, validated, and praised his abusive ways. Too often the person with the money to spend on a lawyer wins. Once a judge has ruled on a case, a citizen has no where to go to complain, or seek a second opinion on the matter. Judges' rulings, no matter how absurd, become laws a family must abide by and live with for the rest of their lives.

Only in Arizona will a court toss a mother and her kids out into the streets, and order young children to go back and forth between their parents 4- 5 times a week!! I am being forced to sell my home in order to give my ex 50% of the equity. My ex has already purchased a new custom built home. He isn't dependent on the equity his has been awarded to "move forward" post divorce. My ex makes twice as much money as me and he has had years to save money in order to purchase a new home because he rarely paid child support, lived rent-free with his mom, and never hasn't paid a penny toward "our" home while awaiting trial for [redacted] years. Eight years ago I purchased this house and invested [redacted] in it, all of which was prior to being married. Of the eight years of mortgage payments (96 payments), he made 36 of them. He also cashed out the entire equity line on "our" home and hid it from me. So why should I be forced to sell and become homeless? This rewards his malicious behavior and punishes me; the person that was responsible and continued to pay the community debt obligations.

It seems to me and many others that have been through a divorce in Arizona, that the judges that sit in family courts are working against the very laws that guide them. The end result is destroying the basic structures of society! No other state would force a mother and kids out into the street, even when a 50% equity decision is made. When an equity amount is awarded to a party, most courts around this country order that if thee equity amount can not be paid immediately, that it must be paid when the kids reach 18 or the person remaining in the home moves or remarries. This allows for the least amount of disruption in the children lives that are effected by the divorce.

I am a [redacted] in the same district that my children attend school in. There are many benefits to working in the district my children attend school in, for example: [redacted]

[redacted] Selling my home would either force me to change jobs or my children to change schools. There are no benefits in either of these scenarios.

I understand your committee does not function for the purpose of reviewing a judge's ruling. Please, please, consider the ethical issues and consequences that result from judgments such as these. I know I can not change the outcome of my case, but for the sake of the families in the future that go through a divorce, we must influence judges to put the children first when making their final decisions.

1) My Home

I purchased my house prior to getting married. I saved for the down payment and invested nearly [redacted] of an inheritance for upgrades to my home. Six months prior to filing for divorce I was forced to add my husband to the title of my house, in order to take advantage of the low mortgage rates that were being offered 4 years ago. I was a stay at home mother, and couldn't refinance without adding his name. The day I filed for divorce I learned from a bank teller, that my husband had cashed out the Home Equity Line of Credit, and opened a bank account to hide the money from me.

My ex-husband moved out and in with his mother shortly after I filed. He has never paid a penny toward the repayment of the HELOC or the mortgage since [redacted] (he made 36 out of the 96 mortgage payments). In [redacted] he moved out of his mother's and into a brand new home.

Judge [redacted] ruled that I have to pay my ex 50% of the equity of my house at *today's* appraised value and if I can not afford to do so, I have to sell my house in order to pay him. I also have to pay off the home equity line of credit he cashed out and hid from me.

Due to the real estate values skyrocketing in the past 5 years, my home is worth double what I paid in [redacted] I am [redacted] and can not afford to pay him 50% of the equity. [redacted] disregards all the maintenance and improvements I have made to my house since he moved out. She hands him a huge profit while he was sponging off his mother for [redacted] years and able to save money. Meanwhile, I was struggling to make ends meet. My children and I will be forced from my home for doing, what I think is the right thing - paying all the bills. Where can I find a place to live that is \$700 a month or less? This could force my children to have to change schools and me to leave a job that I absolutely love. Is this in the children's best interest? This is the only home my children have ever lived in. We live, I work and they go to school in the district in which I work, which is about one mile from my home.

2) My 2 sons:

Judge [redacted] awarded 50% custody and visitation for my two sons. The schedule I must follow forces my [redacted] year olds to go back and forth between our two homes 4-5 times a week! My ex is unable to get them to school on the weekdays, so 3 times each week his [redacted] mother has to drive from [redacted] at 6:00 am to take my children to school in [redacted]. He is also unable to pick them up from school, so 2 times each week, I have to pick my kids up from school, *on his days*, bring them to my house, until he gets off work (the time varies), then he picks them up and takes them to his house.

If this isn't bad enough, she ordered my child support go down to [redacted] per month, instead of the [redacted] it was. My daycare bill alone is [redacted] per month. He makes twice as much as me. She also forgave him for the [redacted] in child support arrears!!

3) Debt:

We have a large amount of medical bills that were incurred as a direct result of my ex husband accidentally breaking my son's leg when he was trying to hurt me. I have been making monthly payments toward these medical bills since [redacted]. He has never paid a penny of them. When my children's insurance lapsed because my ex lost his job due to a bad urine analysis, we incurred a large pediatrician bill when my son had caught a slight pneumonia. My kids have been forced to change pediatricians three times due to outstanding bills. Judge [redacted] ordered we split the balance of the bills 50/50 as of [redacted]. Even though I have been paying on them for nearly [redacted] years.

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Again, I am not looking to change my case. I am hoping your committee will look at the current procedures, and laws that govern family court. Their ethical consequences these rulings have on the children of divorce. There is enough negativity surrounding any divorce, especially when children are involved. I believe it is the judges in our family courtrooms that help minimize the negative effects a divorce has on the children. Since my ruling, I have been in contact with many politicians, community members, advocates and professionals that deal with family matters. I have received a lot of support for my viewpoints, but no one seems to know what can be done about it. Along with my court papers, I am including various documents that I think your committee may find of interest surrounding this matter.

Thank you for your time, consideration and/or any response I can get on this matter.