

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-145

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Complainant: No. 1336010677A

Judge: No. 1336010677B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct or bias on the part of the judge. The complainant disagrees with the judge's rulings and her interpretation of the evidence and law. The remedy is to file 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.

Dated: June 30, 2008.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 30, 2008.

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

CJC-08-145

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

COMPLAINT AGAINST A JUDGE

Date: May 20, 2008

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.

The Orders and actions of Judge must be reported. The presentation of facts will be presented in chronological order.

First issue in question is Judge administering Rule 79. Rule 79 was changed by the rule effective date January 1, 2008. Copy supplied. Motion for Summary Judgment filed would have the previous rule applied. Facts concerning Motion for Summary Judgment are listed below:

- 1. Respondent, filed Motion for Partial Summary Judgment Pursuant to Rule 79 of the Arizona Rules of Family Law Procedures through Counsel. Rule 79 C states: "A party opposing the motion must file affidavits, memoranda, or both within fifteen (15) days after the service of the motion." Calendar count of days would be made for Petitioner to file response. In addition Rule 79 C gave Judge "The foregoing time periods may be shortened or enlarged by the court or by agreement of the parties." The opportunity to change the time period of Rule 79 C. Judge failed to make any entry in the Court record that reflects a change of the time period. Therefore the time lines must be observed. Exhibit 1

Table with 2 columns: Date, Date Count. Rows include Motion for Partial Summary Filed, Time up for Response, and Response filed by Petitioner.

2. Petitioner filed her response, Accelerated Motion To Dismiss Respondent's Motion For Partial Summary Judgment, on [redacted] This is clearly beyond the fifteen (15) days. Petitioner failed to address the issues in Respondent's request for Partial Summary Judgment lacking affidavits, memoranda, or both. Petitioner's response claimed Motion for Partial Summary Judgment should be dismissed based on time requirement. Previous to January 1, 2008 Rule 79 does not have a 60-day requirement. Judge [redacted] failed to enforce the Rules of Family Law. Exhibit 2
  
  3. Respondent's attorney, [redacted] received Petitioner's response before the Petitioner filed her response date [redacted] per date stamp. [redacted] response was filed [redacted] pointing out how the time lines were followed and Petitioner's attorney was incorrect. Apparently, [redacted] Motion must have been correct based on the events that followed on [redacted] Telephonic Conference and Petitioner's attorney filing a second response, including the correct materials. Exhibit 3
  
  4. [redacted] Judge [redacted] conducted Telephonic Conference with respective counsels of both parties. Judge [redacted] conducted a discussion concerning post-ponement of the trial dates, due to a personal emergency. Judge [redacted] telephonic conference included issue regarding the denial of the Motion for Partial Summary Judgment." The minute entry was incorrect in relationship to: "The Court advises counsel (Petitioner's counsel added for clarification) to file Response to denial of Motion for Partial Summary Judgment." The minute entry would suggest Judge [redacted] had reached a decision; however, Judge [redacted] lacked a Motion from Petitioner to base her Ruling. This is clearly a violation of Rule 79 and Judge [redacted] advising opposing counsel to file a response. Judge [redacted] is giving legal advise to Petitioner's counsel. Respondent's attorney, [redacted] filed a Motion Correct Minute Entry. Apparently, [redacted] Motion was correct as Petitioner's attorney [redacted] filed a new response. Exhibit 4 - Minute Entry and Motion to Correct Minute Entry
  
  5. After telephonic conference, [redacted] and receiving advise from Judge [redacted] Petitioner's attorney filed Response to Respondent's Motion for Partial Summary Judgment including Affidavit of [redacted] to Motion for Partial Summary Judgment on [redacted] This Affidavit was never included in Petitioner's late response dated [redacted] The Motion filed by Petitioner's counsel, [redacted] never addressed time lines. Judge [redacted] accepted the response. Again, this is a clear violation of the time requirement. Exhibit 5 and 6
  
  6. [redacted] Judge [redacted] ruled on Respondent's Motion for Partial Summary citing the first reason was "First of all, the Court will note that the Motion for Summary Judgment was filed on [redacted] and the court finds that pursuant to Rule 79, the Motion for Summary Judgment was not filed the 60 days before trial which was required by the statute, so that having been said, the Court would not, based on that, have considered the Motion for Summary Judgment." Judge [redacted] has confused the effective dates Rule 79C was changed. Judge [redacted] next statements: "But the Court went ahead and read this Motion for Summary, and basically can find that I could deny it on three levels. One, it wasn't filed in a timely manner pursuant to Rule 79. Second—I should say for two purposes the Court would deny it. One, that was not filed in a timely manner but when the Court went ahead and read it and looked at it from the merits, the Court does find there are genuine issues of material fact and that respondent would be entitled to judgment as a matter of law." The Respondent's motion shall have been ruled upon before the Trial as Petitioner's response was late and the Petitioner's response on [redacted] never put material facts in dispute.
- "And, therefore if the Court had not dismissed it because it was not timely filed, the Court would deny it based on those two issues. So, the property that was subject of the Motion for Summary Judgment will be a part of the trial today." Exhibit 7

7. Petitioner and Petitioner's attorney, offered no reasons for their response being late.
8. Judge acceptance of the late response coupled with her instruction to file a response after the deadline date presents the issue of Judge bias against Respondent,

Judge 1) accepted Petitioner's response because that is the only method that provided Petitioner's affidavit into consideration allowing Judge to justify a conclusion there are material facts for trial 2) accepted Petitioner's response after the deadlines 3) failed to have oral argument on the Motion. 4) advising Petitioner's counsel to file a better response and then accepted it. Judge clearly violated Rule 79 of the Rules of Family Law in favor of the Petitioner, gave advisement to opposing counsel concerning the needed response, and Judge more than demonstrated a bias and prejudice against Respondent.

**Second issue deals with Judge Decision of Judge erred in awarding** policy as community property as both party reached prior agreement in Beneficiary Agreement that was trial exhibit and on the Court record during ADR conference. Rule 69 addresses blinding agreements.

1. The beneficiary agreement was accepted in the Court record during Settlement Conference with Judge Beneficiary agreement was trial exhibit. The beneficiary agreement may have been poorly written; however, testimony clears up any doubt as to intent. Exhibit: 8 and 9
2. Deposition of Petitioner, conducted by Petitioner acknowledges the beneficiary agreement and is trial exhibit 3. The policy and policy add up to \$250,000.00. Two policies are trial exhibits 7 and 18. Petitioner's statement in deposition referred to primary insurance Respondent's amount \$250,000.00 and Petitioner's amount \$50,000.00. Exhibit: 10
3. Direct Trial testimony Petitioner stated the same agreement in relationship to beneficiary agreement. The beneficiary agreement was for life insurance policies Respondent's amount is \$250,000.00 and Petitioner's amount is \$50,000.00. Exhibit: 11
4. This agreement was not protested at trial and all documentation is in Court record. Judge is wrong because she first awards the entire policy to Petitioner and changes her ruling on reconsideration.

Judge violated Rule 69 of the Rules of Family Law in favor of the Petitioner. Judge changed an agreement the parties had settled and failed to listen to testimony at the trial and review depositions that are testimony.

**Third Issue concerns Judge decision on pricing of the martial residence, Ruling of**  
Facts are listed below:

1. Judge stated in her "The parties stipulate that the martial residence is community property. Though they agree the property is community property, they cannot agree on how to distribute the property or what value to place on the property. They both wish to save the community money by not having another appraisal done: the Respondent wants the Court to use the lower appraisal he had done (\$575,000.00); and, Petitioner wants to use the appraisal that showed higher value (\$685,000.00), an appraisal in the negotiations over the asset. The will use the average of the two appraisals to establish the value of this community asset setting the figure to be distributed by the Court at \$630,000.00." Exhibit 12
2. Petitioner's highest appraisal was \$665,000.00 not \$685,000.00. Petitioner's appraisal was exhibit at Trial. This appraisal was performed and is outdated by more than one year in a declining real estate market. Respondent's updated appraisal was performed in and was current at trial. Judge failed to check Petitioner's actual appraisal and used value \$685,000.00 Petitioner testified to as value. Exhibits: 13 A

- 3. Direct trial testimony by Petitioner stated Petitioner's highest appraised value was \$665,000.00. Exhibit: 13 B

Judge failed in her duties as the Trial Judge to check the evidence and testimony before her Ruling.

**Fourth Issue** concerns Judge decision concerning the Lot

- 1. There was never an appraisal on the vacant lot.
- 2. Respondent testified lot was purchased for \$17,290.00
- 3. Respondent testified that value of Lot is was worth \$25,000.00. Respondent is licensed real estate agent; however he is not a licensed appraiser.
- 4. Petitioner testified the lot was worth at least \$50,000.00 and requested a minimum \$25,000.00 be awarded to Petitioner. Petitioner is neither a licensed real estate agent nor licensed appraiser. Direct trial testimony by Petitioner acknowledging the purchase price, \$17,290.00 and her opinion of lot value to be \$50,000.00. Exhibit: 15 Petitioner's testimony on cross-examination: Respondent's attorney, Question: "The lot that you talked about, you had mentioned that it was worth \$50,000.00. Is that correct?" Answer: "That is what he put it on the market for." Question: "What do you think it's worth?" Answer: "I would say that's a pretty good estimate of the value from what I know of real estate and the appraised?" Answer: "Not to my knowledge." Question: "Okay. But you do not have an appraisal to support that amount, correct?" Answer: "I don't myself, no." Judge has no factual bases to determine a \$50,000.00 value as Respondent testified it was worth 20,000 to \$25,000.00 at best. Exhibit 16
- 5. Judge Ruling: "The lot is awarded to the Respondent as his sole and separate property. The Respondent shall pay the Petitioner \$25,000.00 for her community share of this asset with 60 days of this Order."

Judge ruled on a value that only market value in evidence was the purchase price of \$17,290.00. Judge Order is completely out of line with no documented value except for the purchase price. The logic of Judge Order demonstrates a bias in favor of the Petitioner, as the exhibits and testimony do not support her Ruling.

**Fifth issue,** issued Orders in relationship for reconsideration on her Ruling  
The factor and dates are listed below:

- 1. Trial Judges ruling is case was rendered on
- 2. Respondent, filed Motion for Reconsideration on Exhibit is date stamped
- 3. Trial Judge, issues Notice/Order dated "IT IS ORDERED: 1. The Petitioner shall have fifteen (15) days from the date of this Order to file a Response to the Motion For Reconsideration. 2. The Court shall take the Motion For Reconsideration under advisement." Fifteen (15) days
- 4. Petitioner files her Response To Motion For Reconsideration And Motion for Clarification On Spousal Maintenance, Life Insurance Policies, and Joint Account on per date stamp. Exhibit 19
- 5. Judge Ruling on Matters under Advisement, states in upper right hand corner of document: "Filed in Court-Record-Date filed: ? How did Judge entry, Ruling on Matters under Advisement, precede Petitioner's Response to Motion for Reconsideration on Spousal Maintenance, Life Insurance Policies, and Joint Account on

per date stamp? At this point the answer is immaterial Judge conduct as  
 Judge Ruling Under Advisement reflects the acceptance. In Judge first  
 paragraph: "The Court entered a final order in this matter on the  
Respondent filed a Motion for reconsideration of the Final Order. the Petitioner  
filed her Response to the Motion for Reconsideration and Motion Clarification on the issues of  
Spousal Maintenance, Life Insurance and Joint Account." This paragraph and Judge  
 following Order, it is clear it was taken into Judge DUE CONSIDERATION. Exhibit 20

6. Judge gave Petitioner a deadline . . . . . Petitioner responded on . . . . .  
 Petitioner violated Judge Order of . . . . . in regards to the 15 days and Judge  
 still accepted the response. Trial Judge, . . . . ., ruled on this matter on  
 taking into consideration issues raised in Petitioner's late response. Respondent received it  
 from the Court on Judge accepted Petitioner's response 7 days late. This  
 acceptance not only violated Rule 35; it violated Judge own Notice/Order of  
 . Again, Judge Rulings in Petitioner's benefit has shown a total bias in this case.
7. Rule 35A states: 15 days to file for reconsideration after entry of the judgment, 10 days for other  
 party to respond. Judge gave Petitioner 15 days. Rule 35A 4 states: "Within five (5) days  
 after service of the Response, the moving party may serve and file a memorandum in reply, titled "Reply to  
 \_\_\_\_\_ (name of motion)". The reply shall be directed only to matters raised in the response. Judge  
 denied Respondent, . . . . ., this opportunity. . . . . counsel for Respondent,  
 never received response and was denied due process. There were gross mistakes made in Petitioner's response  
 addressing spousal maintenance directing Judge to gross income stated in Respondent's federal tax  
 return instead of the net taxable income. Due Process was denied to Respondent.
8. Rule 35 B states: "Effect of Non-Compliance. If a motion does not conform in all substantial  
 respects with the requirements of this rule, or if the opposing party does not serve and file the  
 required response, or if counsel for any moving or opposing party fails to appear at the time  
 and place assigned for oral argument, such non-compliance may be deemed a consent to the  
 denial or granting of the motion, and the court may dispose of the motion summarily."  
 Petitioner and the Judge failed to respond with Respondent and Counsel. Petitioner  
 failed to meet Rule 53 and Judge Notice/Order, including the additional 5 days  
 granted by Judge Judge should have granted the Motion for Reconsideration  
 to the Respondent as submitted.
9. Again, Judge accepts Petitioner's Response to the Motion for Reconsideration and Motion  
 Clarification on the issues of Spousal Maintenance, Life Insurance and Joint Account, the deadline.  
 Petitioner and Petitioner's attorney offered no explanation for response being late.
10. Acceptance and use of Petitioner's response demonstrates Judge bias against Respondent.
11. Petitioner and Petitioner's attorney, offered no reasons for their response being late.

The Trial Judge, . . . . . not only violated the Rules of Family Law; she permitted the Petitioner to  
 violate the Judge's Notice/Order. Petitioner in her Response for Reconsideration asked for additional life  
 insurance coverage. Petitioner should have done this within the 15 days set for reconsideration motions as  
 Petitioner was not only answering Respondent's request for reconsideration she asked Judge for  
 reconsideration. Judge failed to implement Rule 35 correctly. Judge denied the Respondent  
 due process and her ruling show a bias that benefited the Petitioner.

Chart of time lines is on the next page.

Date

Date

Sixth issue, Judge is advising Petitioner's counsel on attorney's fees.

1. Petitioner's attorney, , filed Application and Affidavit In Support Of Application For Award Of Attorney's Fees. is a licensed attorney and she stated her qualifications in her application. failed to include an itemized accounting. Exhibit 21
2. Judge issued Ruling on Motion/Issue(s). Judge states: "IT IS HEREBY ORDERED counsel for the Petitioner shall provide the Court with an itemized billing statement in support of the Application and Affidavit in Support of Application for Award of Attorney's Fees forthwith. Judge in the request is stating that did not perform her obligation correctly. This is very similar to the manner Judge advised to file a response to Request for Partial Summary Judgment. Judge aided Petitioner's response as response only addressed time lines. Rule 79 C states: "A party opposing the motion must file affidavits, memoranda, or both within fifteen (15) days after the service of the motion." complied filing on This is a similar situation. Judge identifies and tells her mistakes. Judge is giving legal direction to Exhibit 22
3. Petitioner's testimony on cross-examination: Respondent's attorney, Question: "When you testified about your request for attorney's fees, you had said that you believe that you were entitled to them because had been unreasonable?" Answer: "Yes" Question: "That you could never reach an agreement. Is that correct?" Answer: "Yes" Question: "Wouldn't it be more

accurate neither one of you could come to an agreement?" Answer: "I felt that I tried to make agreements and deal with fairly and in good faith. As I said before, almost every one of his agreements came with conditions and it would be anything from promising to give up claim to my antiques and then renege on that. He said he would claim —he would not claim spousal maintenance or attorney fees. I felt like I needed counsel to make decisions. I wasn't after four agreements that I made with him and got stung on—I can't think of another word—I needed to consult with my attorney." Question: "You said that his agreements had conditions to them?" Answer: "Yes" Question: "But didn't yours also?" Answer: "I don't remember." Question: "Did you ever make an agreement that your attorney's fees being paid? Answer: "I don't remember. There were hundreds of different agreements that flew back and forth over the Internet. Literally, I have over 1000 emails just from him." Exhibit: 23

Judge is prejudicial and bias against by her Ruling and has to be questioned on her understanding the legal argument put forth, the testimony given, and exhibits.

Judge ruled: "Pursuant to ARS 25-324 the Petitioner is entitled to an award of attorney's fees. It is clear to the Court after 3 days in this matter that many of the positions taken by the Respondent in this case have been unreasonable."

- Respondent, filed Motion for Reconsideration on  
 "Respondent made a claim to property he believed to be separate based upon disclaimer deeds and current case law. As the court is well aware, currently there are a number of cases litigated over Disclaimer Deeds as such, Respondent's positions were not unreasonable. In fact, they were supported by *Bender v. Bender*, 123 Ariz. 90, 597 P.2d 993 (1979) and *Bell-Kilbourn v. Bell-Kilbourn*, 216 Ariz. 521, 169 P.3d 111 (2007). As such, although not supported by the Court's ruling, Respondent's positions were not unreasonable." Judge must stay current as the recent Bell-Kilbourn case occurred in 2007 as Division One Court of Appeal made ruling. In addition there are hundreds of cases litigated over disclaimer deeds. The testimony by Petitioner showed neither party could reach agreement concerning Disclaimer Deeds.
- Direct testimony at Trial question to Petitioner: Question: "But I'm just trying to clarify. During this time—during the time period that you signed the disclaimer deeds, did you also purchase the ? Answer: Yes Question: and the —Answer: Yes, Question: Thank you. I could not say that. As well as the cabin and correct? Answer: Yes Question You never signed disclaimer deeds on those. Is that right? Answer, When I signed disclaimer deeds, almost all of those were involving other investors. There would have other people. I'm not sure how many he was involved in. It was just understood that we did that to benefit the — to facilitate the business that they were in of buying and selling land. Question: where did you sign them when you signed these disclaimer deeds? Answer: I don't know—in front of a notary. Question: Did you read them before you signed them? Answer: I—yes, I read them. I knew what they said. Question: What did they say? Answer: That I was giving up claim to—I'm not sure of the wording. I would even guess at that. Question Okay, but you acknowledge that they said you're giving up all interest in those properties? Answer: Yes Question: Would you acknowledge that they said this would be the sole and separate property of the person you were disclaiming it to? Answer: Yes Question: Would you acknowledge that they say you had no interest in that property? Answer: Yes. This testimony coupled with similar testimony in petitioner's deposition is identical; thus, Judge Rules: "the Respondent in this case have been unreasonable" is totally bias and against case law for more than seventy years. Exhibit: 24
- Number of days at trial was: one full day and two half days. I believe this was two days of trial not 3 days. Second, Judge needed to look at the bottom line as Respondent's basis had it entire foundation on the Disclaimer Deeds.
- Petitioner would not settle on long term care insurance premiums. Both parties disputed this issue.
- Petitioner changed position both on settlement before trial concerning and asked for additional insurance coverage in Petitioner's untimely filing: "Response to the Motion for Reconsideration and Motion Clarification on the issues of Spousal Maintenance, Life

- Insurance and Joint Account.” Judge set aside an agreement and violated Rule 69 in regards to the . This issue was not in dispute until the trial and Judge failed to recognize the agreement in place before the trial.
- Judge failed to consider the argument over Petitioner claim for Spousal Maintenance was in dispute by both parties.
  - Attorney’s fees were in dispute by both parties and respondent’s attorney, asked the Court for each party to be responsible for their own attorney’s fees in closing argument and Motion for Reconsideration.
  - The Lot in is still titled in Respondent’s name as sole and separate property with Disclaimer Deed signed by Petitioner. This issue was in dispute by both parties.
  - Community debts were in dispute by parties such as property insurance, property taxes, and Fire Protection Premium.
  - Petitioner’s claim to all antiques including antiques in martial residence before the passing of Petitioner’s parents was in dispute by both parties.
  - Direct trial statement in closing arguments, states: “
  - On , Judge issued Order, Continuing Non-Jury Trial, stating: “Based on the parties’ non-compliance with the Court Order dated regarding exhibits: IT IS ORDERED:  
1.) Vacating the Non-Jury Trial currently scheduled on Wednesday and Thursday,  
2.) Rescheduling the Non-Jury Trial (2 days) on: Wednesday, at 9:00 am and Thursday, before the Hon.  
3.) Joint Pre-Trial Statements, in strict compliance with the Arizona Rules of Family Law Procedure Rule 76 ( c ) , shall be due five (5) judicial days prior to trial 4.) The Clerk has discussed marking of exhibits with the parties, and said exhibits shall be due two (2) weeks prior to trial. Judge failed to consider that both parties failed sharing in the responsibility in being ready for trial. In addition, it was Respondent that agreed to deliver exhibits to Clerk’s Office and Judge to save expenses of courier. Respondent received the complaints for both attorneys both attorneys violation of the Order of . Exhibit 25
  - Respondent relieved as counsel because of this violation. State Bar of Arizona found that Respondent did not owe fees for work performed by and Petitioner’s attorney, for trial preparation work performed after the violation of the Court Order Exhibit: 26
  - Petitioner’s attorney, closing argument is full of contested items from both sides. These are quotes from : 1) “The martial residences on has been contentious area throughout this litigation.” 2) “Wife is also requesting spousal maintenance.” 3) “Wife has requested with spousal maintenance that either the long-term care insurance be maintained by both of the parties, even on a temporary basis, to assist wife, or that figure, because that is going to cost wife more money if Husband is allowed to cancel his insurance policy, that figured into monthly spousal maintenance award that Wife will receive.” 4) “In addition, Wife is also requesting that if the contract, as it is referred to, comes to fruition, that Wife receive one-half of the-commission as that the contract was entered into during the marriage and income would therefore be community.” On , Real Estate Contract was written. Acceptance of service was Last day of trial was . On last day of trial , the contract had not been totally executed. All real estate teachers refer to this issue with the basis in case law: “that a commission is not earned until all conditions and contingences of contract are fully completed. *Barrett v Duzan, 1976 [vested and unvested rights in real estate commissions]* 5) “Also that Wife be awarded a portion of her attorney’s fees,” Judge awarded Petitioner’s all of her attorney’s fees. 6) “Wife never intended to gift the community that were used from community lines of credits to Husband to use for his business investments, to use for the purchase of any annuities that were purchased.” Why did Wife sign Disclaimer Deeds and testify that Wife understood Disclaimer Deeds before signing them in front of Notary? These are just 6 examples.

Judge was bias against Respondent by failing to consider all matters presented to the Court before making her Ruling: "Pursuant to ARS 25-324 the Petitioner is entitled to an award of attorney's fees. It is clear to the Court after 3 days in this matter that many of the positions taken by the Respondent in this case have been unreasonable." What do the items above show except there was a basis for the trial founded in dispute between parties and there is a foundation in the statutes, testimony, and case law?

**Seventh issue, Judge** failed to apply statues and case law to spousal maintenance award.

1. Both parties are retired from teaching profession
2. QDRO was performed and signed by Judge
3. Judge Ruling, equalized all annuity retirement income
4. Judge failed to apply ARS: 25-319
5. Judge failed to apply mathematical basis for award of spousal maintenance established by case law, Elliot v Elliot 165 Ariz. 128, 796 P.2 930 (App.1990)
6. Direct Trail testimony by Petitioner states: Petitioner's attorney, Question: "Do you feel that you have sufficient employment opportunities available to outside of the home?" Answer: "I'm - there are jobs out there. I could—yes, I mean, there are things that I could do. I have had some health issues in the last year or so." Question: "Do you feel that you could go back to teaching?" Answer: "Not to full time teaching, no" Question: "Could you substitute teach? Answer: That's one of the worst jobs in the world, but if I had to, I would." Question: Do you—do you have your teaching certificate current at this point? Answer: "No, it's not. I would have to go back and take, I think, one semester of classes in order to renew that." Question: "Just to substitute teach? Answer: "Oh, I'm sorry. No to teach. To substitute, yes, I could." Question: That's okay. What was your income from teaching just prior to your retirement? Answer: " about I believe it was, at that time." Exhibit: 27
7. Respondent's income as Direct Trail testimony by Petitioner states: Petitioner's attorney, Question: "And do you know what your husband's income was prior to his retirement? Answer: Just from teaching, I believe it was around ' Question: "And do you know how much your husband currently receives from his retirement on a monthly basis?" Answer: "I think it's around Exhibit: 27
8. Petitioner's testimony on cross-examination: Respondent's attorney, Question: "There's a Qualified Domestic Relationship Order that's sitting here that goes into effect here shortly. Is that correct? Answer: "Yes" Question: "And part of the agreement was to equalize out the retirement accounts. Is that Correct?" Answer: "Yes" Question: "So that you 're going to receive one-half the total and will receive one-half the total? Answer: "Yes" Question: "So when this goes into effect your income and income are going to be equal. Is this Correct? Answer: "From the retirement, yes." Exhibit: 28
9. Petitioner's testimony on cross-examination: Respondent's attorney, : Question: "You had mentioned that you had some health issues. Is that correct? Answer: "Yes" Question: "Do they prohibit you from—or preclude you from teaching?" Answer: "Probably not." Question: " You're bilingual, aren't you?" Answer: " I speak Spanish pretty well." Question: "Do you know if there's a large demand for bilingual teachers here?" Answer: "There's a demand." Exhibit: 29 page 63 lines 11to 21
10. Petitioner's testimony on cross-examination: Respondent's attorney, Question: "You're going to receive a pretty sizable amount in financial—of cash out of this divorce, will you not? Answer: "I don't know what I'm going to receive other than QDRO." Question: "From your position though you should receive one-half of everything, correct?" Answer: "That's right. Community property state." Question: " if you receive one-half of everything and your -your incomes are then equal, why are you entitled to spousal maintenance?" Answer: "Because I feel I

need that to get on my feet, on my own, which I haven't been able to do anything for the last 16, 17 months. And he's has been working at \_\_\_\_\_ and I'm sure he still has his \_\_\_\_\_ license." Exhibit 30, page 65, line 11 to 25

11. Petitioner's testimony on cross-examination: Respondent's attorney, \_\_\_\_\_ Question: "From the time you filed for the divorce, have you taken any trips?" Answer: "Yes, I have." Question: "Where have you gone?" Answer: "I've taken several trips around the state. I went to \_\_\_\_\_ for two-weeks and I went to \_\_\_\_\_" Question: "When did you go to \_\_\_\_\_?" Answer: "In \_\_\_\_\_" Exhibit: 32
12. Judge \_\_\_\_\_ failed to consider the established fact that both parties are retired from teaching profession.
13. Judge \_\_\_\_\_ failed to consider the total settlement given to Petitioner.
14. Judge \_\_\_\_\_ ignored that fact that Petitioner claims no money, but Petitioner takes vacations both in the State of Arizona, vacations within the United States, and travels to \_\_\_\_\_.
15. Judge \_\_\_\_\_ ignored the testimony of Petitioner's ability to be employed as teacher; no health issue that would preclude employment and the fact the Petitioner is bilingual.
16. Again, Judge \_\_\_\_\_ has demonstrated a bias against the Respondent in her \_\_\_\_\_ Ruling and in her \_\_\_\_\_ Ruling on Mater Under Advisement.
17. Judge \_\_\_\_\_ allowed testimony concerning football camp income during trial and when Petitioner's attorney filed her Response to the Motion for Reconsideration and Motion Clarification on the issues of Spousal Maintenance, Life Insurance and Joint Account. The figures the Petitioner's attorney used were gross figures not net figures. There was an agreement in place concerning the \_\_\_\_\_ settlement and ownership of the \_\_\_\_\_ before the settlement conference. Judge \_\_\_\_\_ perhaps took this misinformation into account. If Judge \_\_\_\_\_ did or did not take this information into account, both parties are at a loss because Judge \_\_\_\_\_ never gave an explanation of her ruling by providing no calculation or written bases for the award. In addition, there was no explanation given for temporary spousal maintenance.
18. Judge \_\_\_\_\_ failed to consider direct trial testimony and deposition regarding facts that I was retired from teaching and coaching, my chosen profession.
19. Judge \_\_\_\_\_ failed to consider direct trial testimony and disposition regarding real estate sales being stopped and trial exhibits, federal tax returns that actually showed a loss. In addition, Judge \_\_\_\_\_ failed to take into account the depressed housing market.
20. Judge \_\_\_\_\_ failed to consider direct trial testimony and deposition regarding real estate school closed the doors and there was no opportunity to teach.
21. Judge \_\_\_\_\_ has robbed the Respondent's retirement, forcing him back to work. Judge \_\_\_\_\_ equalized the \_\_\_\_\_ Retirement by signing the QDRO and equalizing the annuities' monthly income. Judge \_\_\_\_\_ Order of \_\_\_\_\_ has stolen Respondent's 50% share by \$1252.50 that is 41% of Respondent's retirement. Net monthly income is presented in #10 below.
22. Judge \_\_\_\_\_ allowed testimony concerning \_\_\_\_\_ income during trial and Petitioner's attorney to continually cite this issue in motions, questions, and closing agreements both at the temporary hearing and trail.
23. Judge \_\_\_\_\_ trial award has stolen my retirement without a written explanation or calculation disclosure in her award as to the method employed to reach her conclusion.
24. Judge \_\_\_\_\_ lack of an explanation and/or calculation has left me no avenue available to seek Motion for Modification because \_\_\_\_\_ my counsel, and myself have no idea how Judge \_\_\_\_\_

reached her decision.

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25. Judge [redacted] has presented her biases and prejudices against [redacted] in all regards concerning her award of spousal maintenance, ignored the testimony, and created a hardship in any attempt for modification. Now, the only path left is appeal causing additional hardships on parties, parties' family members, and expenses.

26. Judge [redacted] awarded Petitioner spousal maintenance. Details on Gross Income [redacted]

**Conclusion:** Judge [redacted] has stolen [redacted] retirement and thus has stolen his life in retirement because Respondent is forced back to work.

**Eighth issue,** Judge [redacted] is bias in her [redacted] Ruling and her [redacted] Ruling in regards to Motion for Reconsideration.

The [redacted] Rulings Under Advisement, and [redacted], Ruling on Matters Under Advisement, Judge [redacted] gave time deadlines in which Respondent had to make payments to Petitioner. Petitioner was never under timeline when to make payment to Respondent. Judge [redacted] Orders always allowed Petitioner to subtract her amount from proceeds she will receive when marital assets are sold. Judge [redacted] Rulings created financial hardships because the obligations in her Orders always had time lines either stated in Court Order and deadlines such property taxes and property insurance with due dates. Respondent must maintain [redacted] Fire Protection as condition of property insurance. The fire protection coverage is not an option. The property insurance and [redacted] Fire Protection are in place insuring a marital asset never in dispute. Judge [redacted] completely ignored the issue of [redacted] Fire Protection by neither approving the request nor denying the request in her decision rendered [redacted] or her decision

- [redacted] real estate commission settlement- *Barrett v Duzan, 1976* Reimbursement of 50% of appraisal on antiques
- Balance of 8300 account
- Lot in [redacted]
- Respondent's buy-out of martial residence
- Orders of Temporary Spousal Maintenance and Spousal Maintenance
- Payment in relationship to annuities
- Payment of property insurance and [redacted] Fire Protection
- Payment of property taxes

Judge [redacted] has showed a bias against [redacted] by Ruling: Respondent pay NOW; Petitioner pay when the assets are sold. Bills and financial obligation do not parallel the sale of community assets.

**Ninth Issue:** Judge [redacted] Ruling showed a bias, prejudice, and discrimination is evident. There is a pattern of behavior documented in Judges [redacted] Rulings. Judge [redacted] reliance on ARS-319 is totally missed placed for the reasons listed below. A copy of the statute and Judge [redacted] Ruling, [redacted] are supplied.

**ARS-25-319. Maintenance: computation factors**

**A.** In a proceeding for dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse, the court

may grant a maintenance order for either spouse for any of the following reasons if it finds that the spouse seeking maintenance:

1. Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs.
2. Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient.
3. Contributed to the educational opportunities of the other spouse.
4. Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.

**B.** The maintenance order shall be in an amount and for a period of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors, including:

1. The standard of living established during the marriage.
2. The duration of the marriage.
3. The age, employment history, earning ability and physical and emotional condition of the spouse seeking maintenance.
4. The ability of the spouse from whom maintenance is sought to meet that spouse's needs while meeting those of the spouse seeking maintenance.
5. The comparative financial resources of the spouses, including their comparative earning abilities in the labor market.
6. The contribution of the spouse seeking maintenance to the earning ability of the other spouse.
7. The extent to which the spouse seeking maintenance has reduced that spouse's income or career opportunities for the benefit of the other spouse.
8. The ability of both parties after the dissolution to contribute to the future educational costs of their mutual children.
9. The financial resources of the party seeking maintenance, including marital property apportioned to that spouse, and that spouse's ability to meet that spouse's own needs independently.
10. The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment and whether such education or training is readily available.
11. Excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.
12. The cost for the spouse who is seeking maintenance to obtain health insurance and the reduction in the cost of health insurance for the spouse from whom maintenance is sought if the spouse from whom maintenance is sought is able to convert family health insurance to employee health insurance after the marriage is dissolved.
13. All actual damages and judgments from conduct that results in criminal conviction of either spouse in which the other spouse or child was the victim.

**C.** If both parties agree, the maintenance order and a decree of dissolution of marriage or of legal separation may state that its maintenance terms shall not be modified.

**D.** Except as provided in subsection C of this section or section 25-317, subsection G, the court shall maintain continuing jurisdiction over the issue of maintenance for the period of time maintenance is awarded.

**Ruling,**

Pursuant to A.R.S. §25-319 the Petitioner is entitled to an award of spousal maintenance. The marriage was one of long duration and the Petitioner is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient in light of the standard of living during the marriage. Exhibit: 12

**Judge**                      **miss use of the facts and ARS-319:**

1. Both parties were in a marriage of long duration
2. Both parties shared comparable health issues
3. Both parties shared a comparable level of education
4. Comparable age difference between the parties is a minimal 19 months
5. Both parties are retired.
6. Parties face the same challenge returning the work force; age, health, etc.
7. Equalization of retirement income and community assets have afforded both parties equal standard of living.
8. Neither party committed any excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.
9. Both parties have their health insurance through the Retirement System.

**Judge**            **Ruling fails procedural and statute requirements regarding ARS-319 B:** The maintenance order shall be in an amount and for a period of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors, including: ARS-25-319C: C. If both parties agree, the maintenance order and a decree of dissolution of marriage or of legal separation may state that its maintenance terms shall not be modified.

1. No time limits were stated in Judge            Award. Exhibit: 12
2. Neither party agreed to spousal maintenance award, as this was an issue at trial.
3. Lack of time requirement per statute would be interpreted as non-modifiable maintenance award that would automatically result in Court of Appeal review.

**Judge**            **Discrimination based on Judge            pattern of behavior:**

1. Respondent and his counsel,            are males.
2. Petitioner and her counsel,            are females.
3. Judge            extension of time requirements by statute and her own Notice/Order were permitting Petitioner to submit Responses beyond requirement. These extensions of timelines/requirements were extended to Petitioner and her counsel that are both females and create a bias.
4. Judge            Rulings neglected to permit Respondent's 5 days per Rule 35. Petitioner's, Response to the Motion for Reconsideration and Motion Clarification on the issues of Spousal Maintenance, Life Insurance and Joint Account was taken into consideration by Judge            Ruling, Matters Under Advisement,            In disregard to Rule35, coupled with other Rulings and Notice/Order a conclusion can be made that made that not only did Judge            violate due process of Respondent there is bias in favor of the Petitioner and Petitioner's attorney.
5. Judge            imposing time requirements for Respondent to pay Petitioner monetary award and no timeline requirements imposed on Petitioner demonstrates a bias in favor of the Petitioner.
6. Judge            gave creditability to Petitioner's direct testimony in regards to value on Lot in            and martial residence. Petitioner is not a licensed appraiser or real estate agent. Respondent is a license real estate agent. Judge            Ruling,            illustrates a bias in favor of the Petitioner.
7. Judge            stated that Respondent's positions were unreasonable. Trial shows there were issues from parties such as long-term care insurance, spousal maintenance, attorney's fees and other unresolved disputes from both parties that were going to trial. There were legal basis for both parties position presented at trial. Judge Oldham's decision indicated issues in favor of the each party. Obviously, there were reasonable issues for trial.
8. Judge            disregards for requirements under ARS-319 shows a bias in favor of Petitioner as the ages of the parties are within 19 months, educational background are similar in nature, parties health are similar, both parties are retired, monthly retirement income are equal, community assets were divided equal, standard of living is equal based on income and assets, ability to gain future employment is equal, health insurance is provided by Retirement System that is equal for both parties, and both parties were married for period of long duration. There is only one issue left. That issue is Petitioner is female and Respondent is male.

**Judge**            **Rulings and Pattern of Behavior leaves not only a bias in favor of the Petitioner but fact that the only major difference in the parties is the sex of the parties.**

**Conclusion:**

1. Judge                violated Rules of Family Law, Rule 4, Rule 69, Rule 35 and rule 84.
2. Judge                permitted the Petitioner and her counsel to submit responses beyond time lines established by the Superior Courts
3. Judge                permitted Petitioner and her counsel to submit responses beyond time lines the Court Ordered and established.
4. Judge                violated Respondent's due process rights.
5. Judge                violated Superior Court Rules giving legal direction to Petitioner's counsel
6. Judge                behavior and Rulings demonstrated a bias benefiting the Petitioner.
7. Judge                biases, pattern of behavior, and Rulings demonstrated a sex discrimination benefiting the Petitioner.
8. Thieves steal other people' property. Judge                has stolen my life in retirement after 43 years of work without a calculation or written reason giving Petitioner \$1,250.00 in spousal maintenance award after the QDRO, community assets split equally, and splitting annuity income equally.

**Questions:**

How many other people experienced Judge                improper conduct, procedural mistakes, and bias?

How many people need to file complaints against Judge                but are not aware of their rights?

Perhaps the committee, Superior Court, and members of the general public need to enlighten individuals that appeared before Judge                of options and methods available to voice their concerns.

JUN 02 2008

May 28, 2008

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

**Reference: Letter to Commission incorporated as Part of Complaint Against a Judge,**

Dear Commission:

This letter is intended to point out my feelings and the impact of the Judicial Conduct of Judge [redacted] had on my life. Conduct by Judge [redacted] has destroyed my faith in the Judicial System and increased my understanding of other's negative feelings concerning the courts and judges. Judge [redacted] decision has impacted and changed my life forever. Judge [redacted] must change or be stopped before she inflicts pain and suffering on others.

There must be accountability and basis in statutes, rules, regulations, decisional law, and in the context of all relevant circumstances for a ruling. Ruling must state a reason, method, and explanation of the ruling. You cannot make the same mistake that parents make with children: "Because I told you, I am your father or mother and I do not need a reason", lacking an explanation as to why. This behavior has not solved problems; it creates or extends the problems. My family problems, physical and mental suffering, health condition have worsen, and expenses grow because of Judge [redacted] Finally, when rules are implemented in a bias and prejudicial manner making exceptions with no foundation, the matter become worse. The exceptions without explanations are usually bases for litigation. Judge [redacted] failed in her duties and has caused this case to be appealed to the Court of Appeals, [redacted] I may not need to agree with Judge [redacted] decision; however, I need her bases in making her rulings that would enable me to have an understanding of her ruling. Examples are stated below.

In reading the Arizona Code of Judicial Conduct and experiencing the 2 years of dealing with the Court of Judge [redacted] I felt a genuine need to memorialize the facts and my feelings.

First, the number one basic foundation is simple. I believe in the American system of government, the judicial system, and the check and balances Our Fathers founded this nation upon. My respect for people that fight in the armed services and fight within the system to evoke changes set forth by our guideline within the system deserve a high level of respect. At times we may or may not agree; however, we must respect their efforts, understanding their points and feelings, and make a final determination for ourselves.

The preamble is the place to begin. Please indulge me with quoting and placing a partial copy below.

### **PREAMBLE**

“Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.”

The first statement is the crux that people in this county, state, and nation believe. When growing up as a child this reminds me of “Superman”-“Freedom, Justice and the American Way.” The responsibility that is coupled with being a Judge is huge, as the first place the public truly looks for justice is in the courts. The last sentence: “The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law”, is crucial. “An arbiter of facts and law”, the one that has the power to judge or decide, is a great responsibility that is coupled with understanding, interpretation, application, and administration of laws, rules, and regulations of our courts.

Next paragraph of the Preamble must be included.

“The canons and sections are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The code is to be construed so as not to impinge on the essential independence of judges in making judicial decisions.”

Cannon numbers 2 and 3 must be cited below before other issues can be presented:

### **CANON 2**

#### **A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES**

**A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.**

### **CANON 3**

#### **A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY**

**A. Judicial Duties in General. The judicial duties of a judge take**

**precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply.**

**(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.**

**(8) A judge shall dispose of all judicial matters promptly, efficiently and fairly.**

The word bias continues to be used in Cannon number 3. Example is stated below

### **C. Administrative Responsibilities.**

**(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.**

Cannon number 3 is a very difficult task to say the least. Every man, woman, and child has baggage in their life. The duties of a judge cannon number 3, states it is a duty to put aside any bias or prejudice. Number 5 is direct: "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice..." The key word is conduct, the judge's rulings, and impartial administration of justice, rules, statutes, other court rules and decisional law and in the context of all relevant circumstances from the preamble.

I, \_\_\_\_\_ filed Motion for Partial Summary Judgment Pursuant to Rule 79 of the Arizona Rules of Family Law Procedures on \_\_\_\_\_ through \_\_\_\_\_ Counsel \_\_\_\_\_ Rule 79 C states: "A party opposing the motion must file affidavits, memoranda, or both within fifteen (15) days after the service of the motion." Calendar count of days would be make the \_\_\_\_\_ for Petitioner to file response. In addition Rule 79 C gave Judge \_\_\_\_\_ "The foregoing time periods may be shortened or enlarged by the court or by agreement of the parties." The opportunity to change the time period of Rule 79 C was never done by Judge \_\_\_\_\_ failed to make any entry in the Court record that reflects a change of the time period. Therefore the time lines must be observed. Judge \_\_\_\_\_ violated the rules and the dates that not only effect the rule, but when new rules and modifications of existing rule goes into effect. Details are included in the formal complaint.

Cannon number 3 is very important concerning my complaint.

### CANON 3

#### A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

##### B. Adjudicative Responsibilities.

**(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests: public clamor or fear of criticism.**

Arizona Commission on Judicial Conduct, Handbook, March 2007

(b) A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding.

(c) A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges.

(d) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge.

(e) A judge may initiate or consider any ex parte communications when expressly authorized by law to do so.

Judge never followed the Rule 79 of 2007 correctly. She never made a statement of conferring with parties stated above. There is a bias and prejudice showed by Judge . It is hard to understand a bias and prejudice by Judge against me since I never had met the Judge until the proceedings commenced. Perhaps, based on her personal life and professional life, Judge does have biases and prejudices in some form and carries these biases into the courtroom.

Judge errors continued on both temporary and post trial spousal maintenance. Formula for reaching a Ruling was never part of her rulings. When Motion for reconsideration was made no formula or written communication were provided by Judge Rulings. This made any motion extremely hard on my attorney, and me. The costs were up because of the problem Judge created because her Ruling always lacked bases for her Rulings.

There are Arizona State Agencies that control the licensing of individuals and companies holding those individuals to higher standard both by statues and rules and regulations of the governmental agency. The law profession has standards, rules, and regulations. An attorney is held to a higher standard because there is a licensing process. People hire attorneys to perform and follow the property laws and procedures associated with their case. Both Petitioner and Respondent hired counsel to perform. Judge issued a Court Order stating: "Further Ordered directing counsel provide exhibits to the Clerk's Office at least one (1) week prior to trial for marking." Judge issued: CONTINUING NON-JURY TRIAL: stating: "Based on the parties' non-compliance with the Court Order regarding exhibits, I. Vacating the Non-Jury Trial currently scheduled on Wednesday and Thursday, ..." I investigated the reasons by speaking to clerk and bailiff as I could not speak to Judge . After receiving answers to my questions was relieved as my counsel because of this violation. State Bar of Arizona found that

Respondent, \_\_\_\_\_ did not owe \_\_\_\_\_ fees for work performed by \_\_\_\_\_ and Petitioner's attorney, \_\_\_\_\_ for trial preparation work performed after the violation of the Court Order \_\_\_\_\_ the day of the scheduled trial, both working on trial exhibits and a joint pre-trial statement. The billing statements were present in arbitration to the Arizona State Bar Association whereby the arbitrator ruled in \_\_\_\_\_ behalf concerning this matter. Why are both parties, \_\_\_\_\_ in particular because of Judge's \_\_\_\_\_ award of attorney's fees, being penalized for mistakes that two licensed attorneys were compensated to perform?

Judge \_\_\_\_\_ is no longer a practicing attorney. The public has the perception: attorneys protect other attorneys, police officers protect other police officers, teachers protect other teachers and the list goes on. The true individual character is revealed when a professional member steps forward and files or supports a complaint against another professional member. As a Judge, Judge \_\_\_\_\_ has left the profession as an attorney and is charged with reporting attorney's conduct. Attorneys are officers of the court and judges have the power to handle behavior of attorneys in various manners such as contempt of Court, fines, or reporting conduct to the Arizona State Bar Association.

\_\_\_\_\_ were hired to perform their respective jobs. Judge \_\_\_\_\_ gave counsel an Order \_\_\_\_\_ issued Order postponing the schedule trial. The postponement of the trial created a great deal of pain not only to the parties directly involved, family members not directly involved. Who did Judge \_\_\_\_\_ really cause pain and suffering to? Both counsels attempted to collect additional attorney's fees. Obviously, \_\_\_\_\_ did attempt to collect additional fees; however, these fees were defeated in arbitration filed with Arizona State Bar Association by \_\_\_\_\_ against \_\_\_\_\_ The system worked being a long and difficult task. The families continued to endure hardships. Divorce is not pretty. What action did Judge \_\_\_\_\_ take against each counsel? The answer is none. Could she have referred each counsel to the Arizona State Bar Association? Answer: YES. Judge \_\_\_\_\_ lack of action gives credence to perception of protecting your own: attorney covers for attorney, former attorneys cover for attorneys. Members of judicial system as judges must step forward and show the character necessary when any party including attorneys violates a Court Order. The members of the general public fear the thought of being in violation of a Court Order. Violations of Court Orders have resulted in individual's being punished; however, in this case attorneys showed it as a manner to collect more fees. One attorney was stopped. What happened with the other attorney was between the attorney and her client. Judge \_\_\_\_\_ lacked the courage to cite, reprimand, or refer both attorneys for some form of sanction.

Original request for temporary spousal maintenance was made at \_\_\_\_\_ hearing before Judge \_\_\_\_\_ tabled the Motion because the trial was set for \_\_\_\_\_ The postponement of \_\_\_\_\_ trial opened up the temporary spousal maintenance hearing. Judge \_\_\_\_\_ ordered me to pay \$2,000.00 per month. Facts concerning final spousal maintenance were never considered at trial or reconsideration motion. Again, Judge \_\_\_\_\_ failed to formulate or give basis for her award. I suffered the consequences because both counsels failed to meet Judge \_\_\_\_\_ Ruling \_\_\_\_\_ Please explain the equity?

Judge \_\_\_\_\_ in some ways can be considered a thief. First, Judge \_\_\_\_\_ award of spousal maintenance has made the parties retirement income unequal. This award has forced Respondent, \_\_\_\_\_ out of retirement back to work. I worked \_\_\_\_\_ for 32 years, 19 years in \_\_\_\_\_ sales during those 32 years, worked after \_\_\_\_\_ summer part-time jobs, \_\_\_\_\_ instructor, and at \_\_\_\_\_

camp. Since age 15 I have worked. The income previous to full retirement and all but two items were agreed from the beginning to be community sources of income previous to retirement.

Upon completion of the martial residence, my retirement preparation was complete. I stopped all work and wanted to enjoy the remaining years of my life, direct testimony. Over forty struggling years to reach some type of financial security at age 56 and Judge award has stolen my retirement without a written explanation or calculation disclosure in her award as to the method employed to reach her conclusion. There is no avenue available to me seeking Motion for Modification because my counsel, and myself had no idea how Judge reached her decision. I was retired and part-time work. The were stopped except when previous clients or family members called for help. The depressed market was starting in 2006 and continues that downward turn even today made that decision to walk away easy. school that I taught at closed their doors because of the market. This was testimony in deposition and trial. Thieves steal other people' property. Judge has stolen my life in retirement after 43 years of work without a calculation or written reason giving Petitioner \$1,250.00 in spousal maintenance award after the QDRO and splitting annuity income equally. Result is simple. Difference is \$2,500.00 per month and Petitioner enjoys higher standard of living than Respondent, does. Is this the intent of statutes?

Legal advice should not come from the judge. Judge gave legal direction to Petitioner's counsel concerning Motion for Partial Summary Judgment. In addition to providing legal direction, Judge accepted response after the timelines were extinguished.

Judge violated my due process rights under Rule 35, Rules of Family Law. Complete details are addressed in complaint form. There were gross errors in the accepted response provided by Petitioner that were late. I was dennied an opportunity to respond to false or misleading allegations under Rule 35. Therefore, my due process rights were dennied. Judge violated my rights. Judge has stolen my retirement that I have worked for since the age of 15. Judge Ruling without explanation, disregard of ARS 25-319, case law, application of formula for spousal maintenance, illustrating the use of method employed to reach a monetary amount of the award, and failed to disclose in her ruling this information. The financial results have forced me to seek employment in a depressed economy.

Judge was negligent in her duties in her Ruling Under Advisement. Listed below are the items Judge failed to review before her ruling.

1. Failed to review documents, agreements, and testimony in relationship to Rule 69
2. Failed to review documents, agreements, and testimony in relationship to pricing the martial property as appraisal referenced in Judge decision was not \$685,000.00.
3. Failed to review documents, agreements, and testimony in relationship to Lot in before awarding a value.
4. Failed to review documents, agreements, and testimony in relationship to spousal maintenance and give details in relationship to formula or method of determining the amount awarded.

The care and due diligence expected from Judge was more than lacking. The appearance of bias, disregard for the Superior Court, Rules of Family Law, disregard

of timelines set forth in her own Notice/Orders, violation of due process rights gives way to the question of her due diligence. It appears Judge just wanted the case off her desk.

Additional rule violation but not limited to: Rule 4, Rule 69, Rule 79, Rule 35, and Rule 84. There are possible other Rules and violations that Judge may have committed; however, I am not an attorney. Please help me and other individuals that have appeared before Judge and will appear before her in the future.

Power is a very intoxicating additive mental state. Writers such as Milton, Machiavelli, and other authors have written about power and individuals abusing their power. The authors are really writing about individuals ignoring their true duties and responsibilities. Our political leaders such President Bill Clinton, Richard Nixon, former Arizona Governor Meacham, the former Governor of New York, and many others abuse their power during Term of Office. They are really ignoring their true duties and responsibilities by oath they swore to uphold. Because of the power bestowed and coupled with the Office, these individuals feel they receive so much power they are untouchable. Later, when held to accountability, these individual gave their explanations; I had all the power and it seemed like I could not be touched. This was exhibited by their behavior, not verbally expressed until being held accountable for their actions. When this abuse becomes evident in a judge it is the duty of everyone to evaluate the facts and take the appropriate steps. The perception, "I am the Judge", "I can make the rules", and "I do not need to explain, just do as I say/rule" is portrayed by Judge actions. This behavior or perception does the Judicial System absolutely no good in the public eye. Judge disrespect for Rules and her own Notice/Order such as clearly demonstrated a degree of power intoxication. Our Judges must be "Superman": "Freedom, Justice and the American Way" and truly execute the duties of the Office and the oath pledged to uphold.

I have read the confidential section of your handbook. I will respect the committee's work and course of action; however, I would like to be able to inquiry for updates and receive a copy of the results.

I will be appealing my case to the Court of Appeals, . My counsel, will be presenting this appeal. I will call upon him for guidance and counsel through this process.

Personal feelings come into play and my 32 years of created my own sense of fair play. I do not feel I am in a group one impacted by Judge . Her disregard for rules, procedures, constitutional requirements, statutes, her own Notices/Orders, decisional law and in the context of all relevant circumstances shouldn't go without my fellow citizens having an opportunity to hear my experiences. The public should have an opportunity to be informed. The individual that vote should hear my story and other's stories either positive or negative because Judge is an elected official

My personal life has been put on hold. I cannot pursue any financial opportunities that might be presented. Opportunities to travel and teach in Europe had been put on hold. I could not leave the country during the time before the trial because of the delays in the

trial. Now, I cannot leave pending the appeal. A potential opportunity was presented to in Europe. The opportunity could not be explored because of the appeal. The financial hardship, spousal maintenance, and not knowing the possible financial implications of the appeal has shut down my dreams of vacationing and travel. I have been forced to take a low paying job until I can obtain a better paying job. Hours have been spent preparing resumes and applications. After the award of temporary spousal maintenance and spousal maintenance I have a need to explore every option. Obtaining a roommate to help offset the cost of living could cause problems because the martial residence is a community asset. Family relationships have been strained and stopped with daughter not permitting me to see my grandsons until the divorce is totally settled. I have not seen my grandsons for over 19 months. Birthdays and holidays missed that cannot be recaptured. Possible future relationships and any possibility of building a future with another woman have been put on hold because of the appeal and delays in the trial. The mental stress has affected my physical health. I have been in the hospital three times since the beginning and now I am on medication for a heart condition and high blood pressure and the cardiologists believes is totally stressed related to this process.

In closing, I will keep all my options open and will look to my counsel for advise and options concerning the issues with Judge

Respectfully submitted,

Complaint, rules, and exhibits attached