

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-224

Complainant: No. 1343410272A

Judge: No. 1343410272B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The complainant disagrees with the judge's ruling and interpretation of the law, and the more appropriate remedy would be to file an appeal.

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

Dated: December 10, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 10, 2008.

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

CJC - 08 - 224

9/7/2008

Dear Madam/Sirs,

I am writing this complaint in hopes that my voice might be heard in regards to what I feel is a biased and unfair decision by Judge

First, I am going to give you a short bit of history regarding myself. I am the Petitioner in a rather ugly and complicated divorce from my wife of 16 years. I lived in a small community in Northern Arizona for nearly 26 years. My ex-wife never worked a single day during the 16 years of marriage. I took care of all of the bills, not to mention all repairs and upkeep of the home and each of vehicles we owned during the marriage. I was a good husband and father and only decided to terminate the marriage after discovery of my wife's ongoing infidelity.

I left my job and my home due to continued harassment from my wife, her church and the church controlled local law-enforcement. I was actually arrested at work and charged with Failure to Provide for Spouse and Abandonment of Spouse. Both of which are very old laws that state that a person only has 24 hours after leaving his/her spouse to file for divorce. It took me 6 days. Eventually I was acquitted of both charges, but it cost me \$1400.00 dollars in attorney's fees and several trips back and forth from to Arizona plus time off work.

Anyway, I eventually moved to . When I filed for divorce on grounds in I had to make some careful decisions to be sure that I obtained a fair and unbiased Judge. Initially, Judge was scheduled to hear the divorce. Judge is a member of my ex-wife's family. When Judge failed to excuse himself from the case, my attorney, (an ex-Superior Court Judge), petitioned the Court to ask for a Change of Judge. Judge was given the case.

My first appearance before Judge was uneventful. Judge seemed to be pleasant and fair in hear attempts in arbitrating between my ex-wife and myself. Judge offered some points of advice to both my ex-wife and I that were somewhat comforting and helpful in that stressful situation. Although my ex-wife and I were unable to come to a resolution, I left the Court feeling encouraged and somewhat positive of my ability to receive a fair trial from a Judge that was objective.

Through the next few months, my ex-wife changed attorneys and Court was postponed a number of times. During that time away from court, I felt that my future now depended on entering into a new career field that would leave me in a better position to provide for myself and still cover what terms would eventually be imposed on me by the court. I began taking medical courses to become a Respiratory Therapist. Since I did not qualify for financial aide, I was forced to turn to a Federal Loan to cover the expense- I loan I would have to begin repaying after I completed school.

During the course of those next six months my ex-wife played a number of complicated legal and emotional games that eventually and painfully lead me to relinquish my parental rights a few minutes prior to the beginning of my divorce hearing. That was a horrible and disgusting feeling that I can honestly say I hope none of you ever have to go through. Someday I would love to share my experiences with you- it's a story that I know you would never forget and would change your view of divorce forever.

Anyway, to redirect this complaint, I appeared before Judge [redacted] During the trial, my attorney put forth evidence (see attached) that displayed my financial status including my income, joint debts, sole incurred debts, outgoing bills (rent, food, gas, utilities, school expenses, vehicle expenses, fuel, insurance, medical expenses, etc), and previous 7 years of tax returns to show my average income. After the conclusion of the trial, Judge [redacted] excused herself and stated that she would have a decision as to the division of assets, child support, spousal support, etc. on July 1st.

On July 1st, Judge [redacted] in a conference call between me, my attorney, my ex-wife and her attorney, declared her findings for the divorce (see attached). To summarize: of my \$2104.00 per month net income Judge [redacted] ordered that I pay the following: \$850 per month back child support for a period of 13 months (for a total of \$11,050.00), \$769.00 per month current child support until May 17th 2017, \$200.00 per month Spousal Maintenance for 5 years. This totals \$1819.00, or 86.5% of my income. How many of you can live on \$285.00 per month? I cannot, yet Judge [redacted] made this decision and stated on the phone when I asked how she could expect me to live on so little she replied “ [redacted] , that is not my problem”.

To go further, Judge [redacted] also made the following decision on the joint assets: of the \$71,000 in equity of the family home (which I purchased new in 1996), my ex-wife is to pay me \$25,389.00 after 24 months time (enough time to put together financing I assume, however, she has been consistently late with the house payment and the home has been in foreclosure many times, severely damaging my credit each time and thus preventing me from ever obtaining another loan of any kind- an fact Judge [redacted] was made aware of). After paying me, the sale will leave her with \$45611.00 free and clear. Of the \$36,000.00 in joint debts, Judge [redacted] decided that I shall be soley responsible for them all (with the \$285.00 per month she left me to live on?). Aside from the joint assets Judge [redacted] allowed my ex-wife to retain all of the contents of the family home as well as control of a number of personal items that were left behind at the home (not to mention some cars, and recreational items that were joint property).

I attempted suicide and was hospitalized for three days [redacted] . I endured two evaluations from two different doctors- both of which concurred that my attempt was understandable given the circumstances. I was released without further issue, however, until this past weekend I was without hope with this ruling, but my dad- not my attorney, came across information that has given me some hope and has lead me to this complaint.

ARIZONA CHILD SUPPORT GUIDELINES ADOPTED BY THE ARIZONA SUPREME COURT (found here: <http://www.supreme.state.az.us/dr/childsup/CSG2004.pdf>) in short, it states that the Court has to leave me enough income to live off. I feel that Judge [redacted] stepped beyond her authority and imposed a harsh and unfair Judgment against me for reasons of her own. Judge [redacted] has now placed me in a position that may force me to become a criminal (if I can't pay child support, the Court will place a warrant for my arrest). What can I do? I'm writing a complaint to the Arizona State Bar against my attorney at this time regarding her lack of performance in this matter as well- but none of these actions will undo the harm that has been done to me. I feel that Judge [redacted] should have to answer for a decision that is both harmful and counter-productive.

Sincerely,