

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-302

Complainant:	Elizabeth Reeter	No.
Judge:	Carey Hyatt	No.

AMENDED ORDER

After reviewing the complaint, the evidence gathered during preliminary investigation, and the judge's response, the commission finds that the judge's conduct in this case violated the Code of Judicial Conduct.

Canon 3B(4) of the code requires that a judge be patient, dignified and courteous to litigants. During the hearing described in the complaint, the judge became angry with the complainant and told her to change her attitude, stating, "I am the judge." She warned the complainant that she would not be able to present her evidence if her attitude did not change. Even though the judge was apologetic about her behavior, this conduct is unacceptable.

Accordingly, the judge is hereby reprimanded for her conduct pursuant to Rule 17(a) and the record in this case, consisting of the complaint, the judge's response and this order, shall be made public as required by Rule 9(a).

Dated: June 24, 2009.

FOR THE COMMISSION

\s\ Louis Frank Dominguez

Hon. Louis Frank Dominguez
Commission Vice Chair

Copies of this order were mailed to the complainant and the judge on June 24, 2009.

Elizabeth Reeter

Judge Carey Snyder Hyatt

11-19-08

To Whom It May Concern:

On, August 28, 2008 at 4:30 P.M., I walked into a courtroom as a positive mother with confidence that the judicial system would listen to me before considering putting my child through emotional stress. When I tried to express my concerns, Judge Hyatt ignored me and told me that if it was not evidence it is not relevant. When I tried to express my concerns, she ignored everything and instead I was attacked and told that I didn't know what was best for my child since I was not a trained psychologist. I know that I do not have a degree in psychology, but I am a devoted parent who has been here for everything in my child's life. Not only was my credibility as a parent questioned, I was accused of being a judge shopper. When I tried to answer her question, she told me I was a liar. I felt like I was the parent who had walked out on my son, who chose drugs and a life of crime over all my responsibilities. I walked out of the courtroom appalled and confused of what had just happened.

September 18, 2008, 4:15 P.M. I returned to another status conference where the Judges conduct was completely unprofessional. When trying to explain to her that the minute entrees were not received until Friday, September 15th, 2008 Judge Hyatt became very angry and accused me of having "an attitude." That she was sorry that HER vacation interrupted my life so badly, and that she only gets one vacation a year and it happened to be right after my hearing.

When I explained to her my concerns of why I needed the minute entrees because no one will speak to you without them she interrupted me and accused me of (4:32:54) harassing her clerk for the minute until I received them. I don't understand how that is harassment when I am trying to keep on top of this matter that extremely important to the well being my child. She stated very firmly (4:33:07) "Yes, and you're entitled to it, when you get it!" She proceeded to yell at me, telling me that either I changed my attitude, or I could leave the court room; and she would make the orders on the respondents testimony alone. I was also told if my attitude did not changed she would not allow me to present anything.

It has been made very clear to me that she will not allow me to present anything to her. I recently filled a motion for a name change. Do to the fact that when I was approved for my residency under a battered spouse case, immigration changed my name back to my maiden name. I was told that the only way that that I could avoid paying anymore court fees would be by filling another motion, and come to find out she denied me. Why would a simple request like this affect the case that we are dealing with?

Judge Hyatt has expressed how important it is to make sure that the reunification therapy be done at the pace of my son, Anthony, and how it would be a long process that would require baby steps. Judge Hyatt stated on August 28th 2008 4:37:09 that therapy starts with the child, and how he feels about things. Then as soon as the counselor believes, it is appropriate they will bring the respondent into the sessions. There would be no contact between Anthony and the respondent until then.

On October 1st 2008 at 2:30 P.M., I spoke to Barbara Estrada employee of Family Service Agency, and she informed me that the facility did not provide individual counseling. They only offered group counseling which meant that the respondent and Anthony would be in a room together.

On October 2, 2008 I filled a motion to request that individual counseling to be done before they put Anthony in a room with two complete strangers. Only to find out on November 12, 2008 that Judge Hyatt had denied my request and stood firm that the reunification therapy granted to the father would continue as followed with Family Service Agency. Either Judge Hyatt lacks knowledge of the program that is being offered or she flat out lies. I don't know if it is incompetence or poor moral epics, but neither should be acceptable for a Judge.

Unfortunately, in this case it is not the respondent or my self who will suffer the consequences, but an innocent 10 year old boy. All I want is for my son to get a chance to take as much time as he needs when it comes to this matter. Since he has been aware of the situation he has developed a sleeping problem, attitude changes, fear of being alone, and has become more clingy to David (acting father) and myself. He is afraid that Dallas will find out where he lives and/ or go to his school. With my understanding of the Judges wishes in the last court hearing with going at the pace of the child, I have promised my son that he would only see the respondent when he was ready to see him, and that all the counseling sessions would be by himself. Trying to understand why a judge is making him do this has caused a lot of anger, sadness, and confusion to Anthony.

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Judge Hyatt may not like me personally, but has completely conducted herself in a very unprofessional manner. I feel she has racially profiled me from the minute I walked into her courtroom. A judge should not be stunned when someone tells them their hourly wages, that they only have one child, and that they have never been on welfare. I have never received assistance from the government nor do I plan to. I have been a hard working mother who has been able to succeed and better myself for my child. Having said all of this, I am asking for one of your representatives to please come and observe her on December 12, 2008 at 4:00 P.M. because I am afraid of what she will do. It is not fair that Judge Hyatt is allowed to hurt and treat people this way.

Attached are the motions that were denied, the minute entries, and the videos of the both court hearings. Please review the video and see for yourself the way that this Judge has treated me.

Please return the videos to me as soon as possible since they are the only ones that I have.

Thank you

Elizabeth Reeter

SUPERIOR COURT OF ARIZONA

Carey Snyder Hyatt
Judge

Maricopa County
201 West Jefferson
Phoenix, Arizona 85003

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December 15, 2008

DEC 19 2008

Ms. Linda Haynes
Staff Attorney
Commission on Judicial Conduct
1501 West Washington
Suite 229
Phoenix, AZ 85007

Re: Case No. 08-302 regarding hearing on September 18, 2008

Dear Ms. Haynes and Members of the Commission:

Preliminarily, I am at a loss to explain why the copy of the recording of the hearing that I received from my staff reflects only audio and not video images, so I apologize for any technological mishap. Be that as it may, there is no excuse for my having raised my voice in annoyance at Petitioner/Mother in this case at approximately 20 minutes into the 45 minute review hearing on September 18, 2008. It was the second time that I had seen the parties, since the filing of Petitioner/Mother's Petition to Modify Respondent/Father's Parenting Time and Child Support obligation. By way of explanation and not excuse, Petitioner/Mother was accompanied at this second hearing by a number of persons for whom she appeared to be performing during her interactions with me, including rolling her eyes and grinning inappropriately at some of my statements. I did lose my patience, which I should not have.

Prior to the hearing, my courtroom clerk had told me that Mother had called her repeatedly the Monday following our first hearing on Thursday, August 28, 2008, and was rather insistent that she needed an immediate copy of the minute entry from the Thursday hearing and could not wait. When my clerk explained that the judge and staff were out of the office on vacation and that the minute entry would have to be approved by the court, Mother became angry and rude. In an attempt to calm her, my clerk offered to email Mother a Draft copy of the minute entry that day, which she accepted.

The September 18th hearing occurred approximately three months after my re-assignment to the Family Court bench. As it is my "second time around" on the Family Court in my thirteen years as a judicial officer, and one I had requested, I should have been more prepared for the high levels of emotion that are routinely displayed by the families in conflict appearing before me on a daily basis. I try to always remember the piece of advice offered to me by one of my colleagues, to whom many of us on the Family Court turn as a mentor, Judge Bruce Cohen. He said that we always need to remember where the litigants are coming from in their conflict, *most particularly at the beginning*, and try to see things from their perspective. By looking at the issues from that perspective, it is easier to explain exactly what I can and cannot do in softer, more understandable terms, without becoming personally insulted by conduct. In this case, I let my emotions get the better of me, and I am very sorry for that lapse; it is not something I plan to ever repeat. I did hear Bruce's words echoing in my head about 3 minutes too late, and I did rely on them for the remainder of the hearing with the parties in this case on September 18th and at the subsequent hearings thereafter. Thank you for your consideration of this matter and I apologize for having had to take your time and that of your staff for this complaint.

Sincerely,

Carey Snyder Hyatt