

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-133

Complainant: No. 1282700311A

Judge: No. 1282700311B

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 rulings and interpretation of the law, and the more appropriate remedy would have been to file an appeal. Since the commission cannot change a judge's decisions, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 21, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 21, 2009.

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

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Signature:

Date: 5/13/09

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

COMPLAINT AGAINST A JUDGE

Your name: Judge's name: Judge Date: May 13, 2009

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.
(Attach additional sheets as needed)

This complaint is being sent because of Judge continual failure to address issues that my Attorney and I have brought to his attention and the latest Order that has unfairly reduced my parenting time with my daughter from 15/16 days per month to now just 8. During the 8 times that we have been in front of Judge I found it incredible that he was not even aware of previous Court Orders. I respectfully request that the current Order be frozen and evaluated by another Judge.

In the Order dated May 1, 2009 Judge did not give a reason why he thought it was appropriate to take away my rightful time with my daughter. He also has decreed that I pay child support of \$325/month when Father owns 2 houses worth in excess of \$700,000.00 and 3 cars, 2 being an expensive historical roadsters. Father was involved in an industrial accident in 2003; as a result he is a paraplegic. Father settled out of Court for the sum of \$1.5 to \$2 million (approximate). On January 15, 2009 Revocable Living

Trust, primary beneficiary was set up and his 2 homes were placed in his Trust. Father's legal bills with his current attorneys' firm are upwards of \$100,000.00+. How can Father afford that on his alleged income of only \$1200.00/per month? Besides his houses how much money does he have access to that the Court has not taken into consideration? How can he afford to take to Disneyland at least twice a year?

(was bought by on 4/13/2007 with Wells Fargo as the mortgage company (recording number _____). Purchase price was \$368,000.00. then transferred ownership of his house to his trust on January 15, 2009 (recording number _____) and also had his Trust buy another house at on that date (recording number _____).

I am a citizen in good standing in my community. I am a victim of Domestic Violence. (Father was convicted and placed on probation). When my son and I left the Shelter, I entered and achieved an Associate Degree in I have never done drugs. I don't drink. I have never been arrested. I am a good Mother. Upon Father's concerns, I have changed jobs twice so that I would be there for my daughter during my parenting time. Father moved from Phoenix to minute drive for me and placed in school in his neighborhood. I changed jobs again so I could take her to school and pick her up at the appropriate time. I have regular consults with teachers, so I may be apprised of her progress through Kindergarten. So why has Judge seem fit to reduce my parenting time by half? WHY? I have done nothing wrong! Why am I not entitled to at least 50% parenting time?

Father's health is also a great concern of mine that Judge's and have repeatedly failed to address. Father is a paraplegic. At this time he has at least 5 deeply infected bed sores each the size of a man's fist that ooze green discharge. Doctor's have ordered complete bed rest for Father. has no friends at Father's. Nor is she allowed to go outside on her own. Father has bought her 2 ponies. Since Father is in a wheel chair, how can he possibly get into the coral quickly if one of the ponies should hurt ? Does she lie in the dirt until the paramedics arrive? Another issue that wasn't addressed was Father's cancer surgery, which removed an entire kidney. How can Judge not take into consideration welfare and order the release of Father's medical history? How many more times must I request these issues be addressed? Father also smokes. has allergies and the smoke aggravates them to the point that pustules form on the back of her throat. Sarah runs a fever and vomits for 24 hours or more. Father insists on taking her to an ER for children. These physicians have put her antibiotics, inhalers etc. I have repeatedly raised this issue with Parenting Coordinators and both Judges. Judge did order that pediatrician is to be her primary physician. Judge finally ordered this again. Father will probably continue to take her to the ER, and again violate the order to use pediatrician that she has seen since birth. Also, I have repeatedly expressed my concern about Father's continuing to smoke around As a nurse, I am terrified that she will

become asthmatic and be tied to an inhaler for the rest of her life. Asthma is a life threatening disease. When will I be able to find a Judge that is more interested in health and safety then Father's wheelchair?

Judge ordered a Parenting Coordinator to assist us in ironing out our problems with co-parenting. I saw Dr. approximately 4 times. saw him approximately twice. Dr. fee was \$200/per hour. Judge included 2 of Dr. recommendations. We both agreed that Dr. was not helping us so Judge appointed as Parenting Co-coordinator. I saw about 8 to 10 times. Father saw her about 3 times. charged \$95/hour. submitted at least 4 recommendations that I am aware of to Judge that he has ignored. Judge recently appointed Dr. . She requires a retainer of \$1700.00 with an hourly rate of \$250.00/hour. As Father has done in the past, and has remarked on this to the Court in one of her recommendations, Father has avoided and evaded phone calls and emails in an effort to set up an appointment now for the past 2 months with Dr.

In August of 2008, Father unilaterally changed the pick-up time on Sunday from 9 a.m. to 7 p.m. even though I expressed my concern that it was not in best interest since she has school the next day. I suggested to Father that 3 or 5 p.m. would be better. Father disagreed. Father always disagrees with my suggestions, hence the need for Parenting Coordinators.

In January of 2008, Father took to have minor surgery done without my knowledge. Father told the doctor's at Children's Hospital not to release any information to me. It took 3 months to get the information from the Hospital, after my Attorney had to get involved.

There are a lot more incidents of Father's failure to communicate and lack of co-parenting. Father has told me on more than one occasion that is his and that he will not stop until he has total custody and that I will pay child support with little to no parenting time with my daughter. Judge has given Father his wish. How is this fair to my daughter? How is this fair to me, her Mother?

Since approximately August of 2003, we have been to Court at least 50 times with 3 different Judges. Because of Father's continuous, unsubstantiated allegations I am now going through bankruptcy. I have maxed out my home's equity and charge cards paying lawyers. I am currently trying to re-negotiate my mortgage in an attempt to keep my home. I don't understand how I am supposed to pay child support when Father has so much money to pay for Attorneys, 2 homes each valued at twice the price of mine and planning to buy a third, 3 cars and trips to Disneyland.

After all the issues I have listed above, I don't understand why Father has 22 days out of the month now. As a Mother I have done everything possible to

nurture to the best of my ability yet I have now been reduced to only 8 days a month to spend with my beautiful, precious daughter ? WHY????

Again, I am begging that the new Order dated May 1, 2009 be placed on hold and reviewed by another Judge. I feel Judge is not putting health and safety first. Please help me.

Thank you,