

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-137

Complainant: No. 1363510203A

Judge: No. 1363510203B

ORDER

The commission considered the complaint filed in this matter and after reviewing the recording of the hearing, found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 21, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

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

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

Date: 05/17/2009
To: Commission on Judicial Conduct
From:
Re: Complaint regarding Judge

To Whom It May Concern:

In this time of economic uncertainty when everyone is trying to keep and guard his job, it is ridiculous that an employee, especially a government employee, conducts herself as an autocracy, as if they have no laws to obey, no one to give answer to, insults, yells, humiliates, and seems to take revenge on the same people who pay her salary and put her in this office. Apparently, Judge forgot that we the taxpayer pay her salary. Not to mention that some of us coming into her courtroom are also serving in the military and/or law enforcement and have sworn to protect and guarantee the Arizona State and United States Constitutions. The same Constitutions Judge has chosen to disregard.

Here is critique written by someone from
<http://www.ratethecourts.com/comments.php?id=142355>:

Judge makes orders that are manifestly unreasonable and exercised on untenable grounds for untenable reasons. Judge fundamental error in judgment is the result of a combination of the Court's capricious abuse of discretion and her bias against pro-se litigants is clear. Judge favors crooked attorneys who perjure, manipulate evidence and use fraudulent schemes trickery) to deny pro-se litigants their of civil rights. Judge herself, perpetuates child abuse through her consistent ex-parte meetings she encourages that give less than 24 hours notice to pro-se litigant and then makes default judgment in favor of Plaintiff & Dirty Attorney. Judge allows the dirty attorney to abuse pro-se litigant through humiliation, ridicule and slander in her courtroom. Judge does not rule her courtroom, making arbitrary and erratic judgments to appease the dirty attorney who strokes her before and after hearings. Judge is a disgrace to the Judicial System and should be dismissed for invoking child abuse, civil rights abuse, and ethical misconduct!

2008-11-01

I do not have a case pending with Judge anymore. However, as a military officer and law enforcement officer, I feel that it is my obligation to my fellow countrymen, especially minorities, to report this case. This report contains my perceptions of Judge behavior and attitude from my own legal dealings with her. In addition, I have included the perceptions, conclusions of others I have spoken to or read about who have observed Judge in the courtroom or who have had her as a judge and have been on one side or the other of her vertices.

Judge was assigned to my case around June 2008. She just moved from the criminal division and it seemed that her mindset was not adjusted to the

complexities and sensitivities of family cases. Her staff appeared micro managed and intimidated by her. I had extensive contact with the staff during my proceedings and often when I asked why simple things could not be done by them as with Judge [redacted] they answered, "Oh, no! Not with this [redacted]!" A confidential staff interview should be conducted.

Right away, Judge [redacted] looks for the "Guilty One" when she starts with a case. This seems to always be a minority and or the person who is self representing because they cannot afford a lawyer. I was the "Guilty One" in my case. I represented myself, I was not born in the United States, English is not my first language, and I requested an interpreter. I could not find any better reason for her discrimination. Even my opposition in the case before Judge [redacted] agreed that from the very first time we met her, she had wholly and unfairly mistreated me.

On 06/24/2008, the first time I was before Judge [redacted] she decided that I was not allowed to have a deposition with the opposing party to my case. The previous judge, Judge [redacted] saw the other side was trying to evade a deposition and had ordered it to be completed by a certain time. When the other party had not complied with Judge [redacted] orders, I filed a motion asking the Court to enforce the order. Judge [redacted] however, reversed the order and denied my due process. [*In re Anderson*, 168 Ariz. 432, 814 P.2d 773 (1991)]

Because of the sensitive, and sometimes classified, nature of my work as an officer in the US Army and in the civilian job I held at the time, Judge [redacted] ordered all my employment information that needed to be disclosed for the divorce proceedings to be held in confidence and not released to the public record. The attorney for the opposing party made public some of my information anyway. This was and still is a very serious matter. On the surface, my employment information seems very ordinary. The right person, however, could easily use this information to damage national security information, and put my personal safety at risk. I filed a motion for Judge [redacted] to enforce Judge [redacted] order and sanction the other party's lawyer, but, like every other motion I filed with her, it was dismissed without explanation.

It was obvious that Judge [redacted] took very little time beforehand, if any, to read any motions I filed and always gave me blanket denial to everything without explanation. In fact, most often Judge [redacted] comes into the courtroom admitting that she has not read on the case and asks the lawyer of the person she has not designated as the "Guilty One", usually the only lawyer there, to summarize the case and why they are appearing in front of her. I have also seen her take a particular issue, such as domestic violence, and ask the attorney for the opposing party to help her proceed because she really has not done something like that before.

After eighteen (18) years of marriage, [redacted] filed for divorce while I was away serving active duty with the US Army. During the course of the divorce, she refused

to let me enter the house so I never had an opportunity to recover my personal belongings or to get any of the commonly held household items and furniture. On the court date of 07/23/2008, after being late to start, Judge [redacted] opened by telling us that she refused to touch on this issue at all. As household items are petty items and she has no time for it. As a result, because of Judge [redacted] denying my due process again, I had to walk away with absolutely nothing. During this court date, Judge [redacted] repeatedly yelled at me, called me a liar, belittled me, interrupted me, and denied me equal time to present my case. Additionally, when the lawyer for the opposing party followed Judge [redacted] lead by also yelling at me, insulting me and calling me a liar, Judge [redacted] did nothing to stop it. [*In re Morales*, JC-98-0002 (September 11, 1998)], [*In re Morales*, JC-98-0002 (September 11, 1998)], [*In re Pearlman*, JC-98-0003 (December 10, 1998)], [*In re Dobronski*, JC-01-0001 and JC-01-0002 (February 22, 2002)]

It is my experience, as well as the experience of others, that Judge [redacted] does not enjoy her work or appreciates the tremendous responsibility she carries as an elected public official. She frequently comes to Court admitting she has not read the briefs and motions regarding the cases before her. She is rude, insulting, and cuts the "Guilty Ones" off from presenting their case.

Of course, my own trial verdict was overwhelmingly in favor of the other side. She even gave them more than was asked for. Even points that had long been agreed to were changed to my detriment. In addition, there were many mathematical errors. I filed a complaint with the Court Administration, appealed her verdict, and asked for a change of Judge because I knew it would be irrelevant to file any motion with Judge [redacted]

Later, [redacted] and I decided to close the case without going to appeal. Between us, without lawyers, judges, or court orders, we came to agreements on all points and wanted to close the case. Judge [redacted] refused to allow us to put our divorce proceedings to an end and to great expense to both of us and to the Court, she ordered us to appear yet again before her. During the hearing, Judge [redacted] made it clear she was not happy with the independent agreement [redacted] and I had come to and wanted to go through it point by point and make changes less favorable to me. I said that if she was going to make changes to the divorce agreement, I wanted an interpreter to fully understand what changes were being made. What followed was a long and, on her side, a rather heated exchange between Judge [redacted] and me. The facts that came out of this exchange were: (1) Judge [redacted] knew I need an interpreter for what she was planning to do with our divorce agreement, (2) She knowingly did not request to have an interpreter present, (3) That if I insisted on my right to have an interpreter present, that we could reschedule our appearance before her, but the entire expense would be assigned to me because I was the one preventing her from continuing. I felt forced to allow Judge [redacted] to do whatever she wanted and to disregard my own legal rights.

At this same hearing, Judge [redacted] kept telling [redacted] things she should be

requesting instead of what was in our divorce agreement and asking leading questions trying to elicit an answer that would contradict the agreement we were trying to submit. Judge implied she had an obligation to see to it that got as much as she could. As the hearing went on, got more and more upset and was brought close to tears as she pleaded for the Judge to please just sign off on the divorce agreement.

Eventually, Judge signed an agreement of her own making that and I both equally disregard. We hold ourselves to the agreement we made together. Both and I were happy thinking our dealings with Judge were at an end. Unfortunately, a family friend's case was reassigned to her Court. Even without knowing the accusations against me, Judge is still issuing Court orders restricting my personal life.

divorce from was finalized August 2000. Her ex-husband and his lawyer, however, have continuously had the case before one judge or another ever since. Ms. family and my own have been friendly for a while. It was never an issue until her ex-husband and his lawyer somehow found out I had negative dealings with Judge

On 10/06/2008, Judge found out from Mr. and his lawyer that Ms. knows me and issued an order that I not be allowed to drive their minor children even though I have nothing to do with their case. Let the record show that I hold a current driver's license that has never been suspended and I follow all Federal, State, and City laws regarding my driving.

On 02/10/2009, during Ms. hearing before her, again Judge issued Court orders restricting me and charged Ms. with the responsibility of enforcing her orders or suffer penalties. Mr. claimed he had filed an Order of Injunction against me that I was not aware of and to this date, has never been served, or proven. Judge however, took the law into her own hands and ordered the Injunction enforced without specifying how. These orders were not only unfair to Ms. but for the second time Judge involved me in a case I have nothing to do with and denied me due process by issuing orders without my prior knowledge of a legal motion against me and my right to face my accuser in a Court of Law.

A hearing was scheduled for 04/07/2009. Ms. was violently ill, could not attend, and made sure the Court knew this. Judge proceeded anyway with no regard or consideration for Ms. being ill and not present to defend herself. Of course, my name was again entered into the Court records. Judge insists on referring to me as Ms. "boyfriend", even though she has been told repeatedly this is just not so.

Judge accused me of being around Ms. children and

therefore in violation of the afore mentioned Injunction. This is simply not true since even though no Injunction has ever been served or proven, I had not even had an opportunity to see Ms. [redacted] children since before the 02/10/2009 hearing. Without any proof and with prejudice, Judge [redacted] continues to slander my good name and reputation in her public records. She even goes on to accuse me of falsifying Court papers and legal documents and other very serious charges, all without merit. I could have presented evidence to defend myself, but this could not happen since, yet again, she denied my due process of law by regularly practicing *ex parte* proceedings. [*In re Anderson*, 168 Ariz. 432, 814P.2d 773 (1991)]

Judge [redacted] most astonishing and disturbing ruling of 04/07/2009, is she ordered that Ms. [redacted] is not allowed to see her children until I dismiss the Order of Protection my sons asked me to file for their own protection against Mr. [redacted]. The two cases are unrelated and one should not be contingent upon the other. This is just another example of Judge [redacted] forcing her own agenda on those at her mercy in her courtroom. Farther more to insure that she will be able to interfere and revenge against the people she discriminates against **Judge [redacted] appointed herself to life appointment.**

“IT IS FURTHER ORDERED that this matter be permanently assigned to Judge [redacted] for all further proceedings, in the event of a change in case type assignments” ([redacted] 4/7/09)

Technically speaking if Judge [redacted] will be appointed to the Arizona Court of Appeal, She will still be assigned to this case as Ms. [redacted] already appealed this case. Just because of Judge [redacted] misconduct and poor performances.

This outrages behavior and disregard for citizen due process, is unheard-of in the history of the United States judicial system.

It is quite clear that Judge [redacted] openly abuses her power. Unfortunately, those she is most abusive to do not understand all the wrong being done against them and usually do not have the financial ability or legal assistance to pursue true justice. Most I have spoken to are just relieved when their case is finished and are afraid to incur Judge [redacted] wrath by inquiring how to file a complaint against her.

We should have zero tolerance for the discrimination, racism, prejudices, and flagrant unethical abuse Judge [redacted] practices in her courtroom everyday. As an Army and law enforcement officer, I know first hand how important it is for all those who serve the public interest to be held to an ethical code of conduct. I have also seen first hand how quickly whole societies brake down into anarchy when codes of conduct and procedure are not followed. I know it would be very hard to prove some of these points and Judge [redacted] would surely deny it. Is there any case where a government employee admitted that he or she is racist? However, the merit of this case is not relying on Judge [redacted] prejudice alone. There are so many other misconducts by her. For the sake of the Citizens of Maricopa County and Arizona this

Judge should be put on immediate administrative leave until the end of this investigation

Thank you,