

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-280

Complainant: No. 1375710302A

Judge: No. 1375710302B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature and a more appropriate remedy would have been to file an appeal. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 20, 2010

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 20, 2010.

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

Attorney General Terry Goddard
Office of the Attorney General
1275 West Washington Street
Phoenix AZ 85007

Dear Terry Goddard:

I am writing you this letter because I feel the legal system in Arizona has failed me and I really want you to know about it. I was married to an alcoholic for twelve years and we had two children together a son who is sixteen now and a daughter who just turned fifteen this week.

I got a divorce from my alcoholic husband () at the end of 2004. At this time he had receive two DUI's in 2004 and had his driver's license revoked. I had nothing but issues with him due to his drinking over the next two years. He continued to drink and drive and I feared for my children's safety so I moved one hundred and eighty miles away to Arizona and started a new life for myself. It seemed like my ex husband was starting to work on his drinking and I thought maybe things would be better with us living further away. Then in September of 2005 my ex husband took my son on a camping/fishing trip never Globe Arizona and received another DUI with my son in the vehicle (my son was twelve at the time). This was a felony and he ended up going to jail for ten days due to this DUI. I wrote a letter on his behalf to the court because I was receiving \$1600 a month in child support and if my ex husband would go to jail it would be a real hardship for me to lose the child support. He ended up going on probation for tow years and did wear an angle bracelet for some time. I was hoping this DUI would get him to change his life around. As it turns out he also had disciplinary action taken against him by the Arizona State Bar since he is an attorney. They bar suspended his license for 90 days and put him on probation for two years because of this felony. This action was filed in 2007.

As it turns out in September of 2008 he received anther DUI which he ended up going to jail for four months and the bar has taken his license to practice law away for two years since he was still on probation from the last DUI. When he was in jail I was served papers to reduce my child support since he has screwed up his life so bad that he can no longer earn a living. When I got the divorce I took much less in a settlement for our assets due to amount of child support I would be receiving. I felt having that monthly support was more important to me because I wanted to make sure I could provide a life for my children. When I received the modification request I contacted two attorneys's to get advice on what to do. Both children live with me full time and teenagers are not cheap these days so I did not want to lose my child support. I ended up going to in Phoenix Arizona. Mr. worked very hard on my case and looked up

cases that were similar to mine and basically told me alcoholism is not an excuse to be able to modify child support. Here is my issue my ex husband has lost his ability to earn a living as an attorney due to his own actions. It is not like he lost a job due to this economy or anything like that. If he had not received all these DUI's he could make more than I could ever dream of making.

I am in real estate and I made really good money in 2005 and 2006 and now my income has gone down over forty percent. I should have saved more when I was making good money but I did what a lot of people did and spent it never thinking the real estate market would cash. In August of 2008 the small bank I worked for stopped over half of the loan programs they were offering and I was pretty much told I would need to find another job. I was one of the lucky ones and did find a job right away but I am making much less than I was.

My ex husband started the child support modification request back in April of 2008 while he was still in jail. He attorney took his case for no cost since this is one of his AA friends even though my ex still drinks. Our first court hearing was in August and the judge continued to case wanting further proof of his disciplinary action with the Arizona State Bar since he did not have any documentation for how long his license to practice law would be suspended. It looks like they suspended it two years starting in January of 2008.

We went back to court this last Monday the 28th of September and the Judge ruled in my ex husband favor which I just can not understand or fell in anyway this was just. My ex husband owns two homes with equity in the, even in this terrible real estate market. He has over \$4K in monthly mortgages on these properties that he is paying on time and also rents a home in Prescott form his parents for \$500 a month. He has the funds to pay all of these payments but not his child support. If he was behind on his mortgages or other payments maybe I could understand but he ever admitted at the hearing that his mortgage payments come before his child support. My attorney also asked my ex husband if his ex (me) had an alcohol problem would it be okay for me to no longer be able to make a living and my ex answered with "no". My ex husband could not have answered the questions better basically in my favor so how this ruling turned out this way I can't understand. When we went to the first hearing my child support was lowered to \$1200 since when we divorced originally back in 2004 I had day care and paid more in health insurance at the previous company I worked for. So based on these changes it went from \$1600 to \$1200. This I could have lived with. Now at this last hearing on this week it was reduced to \$831.00 and retroactive back to May when I was served so since my ex has over paid me since May I will receive \$576.00 for the next twelve months and then \$831.00 after that. My son will be eighteen in a year and a half so it won't be very long that I will be receiving the \$831.00. My attorney asked the judge to not let this be retroactive so it would not be such a blow but he also denied that.

The real point I want to make is the judge who ruled on my case was _____ and I don't think he made a good decision at all. In fact I did a little research and he seems to have a reputation of being unfair. How can someone who chooses to make bad choices in their life be able to pass that down to their children? My ex husband has made no effort to find a job which he admitted at this hearing he has put in one application at Wal-Mart since he has been out of jail released on June 3rd. He is doing legal research for some attorney's he knows and doing this under the table not claiming any income. He is saying he could make 4K a month but right now does not make anything. He says he is trying to rent out the home he has in Phoenix that he does not live in or use. I drove by this home and took a picture of his for rent sign it is about 8 X10 and you can't even read the phone number on it. My ex has moved from Phoenix to Prescott about a year ago so the home he has in Phoenix with a large mortgage on it sits vacant and he has made really no effort to sell it or to rent it. He also has a second home at _____ which is a summer cabin that he also has not tried to sell. Instead he wants to cut his payments by reducing his child support. This is a true shame. I can't understand how a judge could find that it is okay for an attorney making over 100K a year at the time of our divorce then decided to go out and get four DUI's (one with his own child in the car) and then rule that he can reduce his child support since he no longer can make a living. If he is broke like he says how can he continue to pay his mortgages and his other payments. He also has a girl friend living with him who is also not employed and contributes nothing to his household that was also brought up at this hearing. My lawyer said to the judge your ruling today will either sacrifice the children or the father and this judge sacrificed my children.

I am in real estate and my income has gone down 40 percent in the terrible economy and I am barely making it now with this I will be either pushed in to bankruptcy or have to find a second job to survive. With two teenagers I think it would be a very scary thing for me to get a second job and not be there to supervise them in their teenage years when all kinds of things could happen.

I guess there is no justice in the legal system. If you are an attorney it doesn't matter if you are a drunk you will still win and your children will lose. I feel like this judge corrupt in his decision. I have spent \$8500 that came from my 401K plan for the attorney fees to fight this and still lost. I would appeal this but I don't have the funds to do that and if I figure what I would spend I would never recoup it if I tried. It is truly sad that if you are not rich and just trying to survive that when something so wrong like this happens you can't do anything about it.

My ex husband is still drinking and more than likely still driving. He also got pulled over again after in November of 2008 after this DUI in 9/2008 with my son in the vehicle and was drunk but the police officer never tested him and he just got a ticket for driving on a suspended license. He actually had an open beer in the vehicle and my son poured it

in his Gatorade bottle before the police officer walked up to the vehicle so his father would not get caught with it. What kind of parent is this?

I am attaching what documents I have to support my story. I am hoping that someone in your office might be able to help me. I would like to appeal this decision some how without having to spend funds I can't afford. I wish someone would take my case pro bono to help me. This is a case that could set precedence for anyone else who has an ex spouse that ruins their life of their own doing and then wants to get out of child support. I also think this judge needs to be reviewed because if it is true what I hear he is not a judge that should be on the bench.

Sincerely,