

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-319

Complainant: No. 1379710837A

Judge: No. 1379710837B

ORDER

The complainant alleged that the judge relied on improper evidence and erroneously calculated her income for child support purposes. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. Moreover, the issues raised involve legal and procedural matters that fall outside the jurisdiction of the commission. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: February 26, 2010.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on February 26, 2010.

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

CJC 09-319

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 10/31/2009

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.

On April 03 2009, Respondent's Counsel: ATTORNEY
filed a Petition to Modify child support
and Enforcement of Judgment of arrears. Her Petition contained only
false accountings of my financial accountings, dependent on "hearsay"
of her client. This was 1/2 of her Petition, however; the other 1/2
was dependent on the "unlawful" disclosure of MY MEDICAL INFORMATION
that was "unlawfully" disclosed to the Attorney by YRMC.
The petition was grossly overstating my medical information and
negatively impacted the case. I NEVER authorized disclosure of my
medical information and yet YRMC COMPLIED with a Subpoena (duces tecum)
that Attorney served upon YRMC.
I was NEVER notified of my medical records being disclosed
and 22 pages were subsequently disclosed in disregard of my
rights anyhow. YRMC and Attorney dodged me for a while
as I investigated how the Attorney obtained my records and whether
it was legal to do.
I was served with the documents in late May of 2009 and
for OVER 30 days or 1 month; Attorney Petition AND HER
22 pages of EVIDENCE SHE ATTACHED; remained on the COURT FILE
and PART OF THE PUBLIC RECORD, without my knowledge or permission.
FOR OVER 4 and almost 5 months; my medical information
and records were PUBLICLY DISPLAYED; with my awareness and
WITHOUT MY PERMISSION.
I am not an Attorney, but wasted no time in responding
to Respondent's Petition, comprised by Attorney I attached
all relevant information; to rebut her accusations and additionally

(Attach additional sheets as needed)

filed a "Motion to Dismiss Respondent's Petition..." Orders were later made; to answer my Motion, declaring that the Respondent's attachment of evidence (22 medical documents) were stricken from the record/file. I have attached the Orders made on August 26, 2009.

However, the Court failed to make Respondent's Petition "void" or "invalid" for the medical information contained within the context of the Petition; that Counsel for Respondent, intended to disclose.

So I filed a "Motion to Reconsider, or in the Alternative, Motion to correct a mistake ~~and~~ relief from an order or judgment. Unfortunately my lack of a legal degree; restricts my understanding and I perceived it as an alternative for a Motion to Dismiss; based upon the Court's discretion and continued ability for Respondent's Petition; to be valid and existent within the file of Public Court Record.

I was understandably denied and when time for the expected October 19, 2009 hearing; came to be heard before the Honorable _____, I was shocked, perplexed and confused to the outcome of the hearing.

Attorney _____ called her client: _____ to the stand to offer testimony for his case. However, Attorney _____ inquired into subject matter that the Honorable _____ previously stricken from the record. I requested if I could motion to strike the _____ comments from the record, because her Honor ordered the documents stricken from the record. I was DENIED! The Attorney and the Honorable _____ ARGUED that my medical information COULD BE DISCUSSED. Had I provided the correct statutes that protect my rights; perhaps I wouldn't have been cornered.

However, since I'm not an Attorney, I wasn't prepared for the relevance or importance of the statutes. I was humiliate, upset and attacked against my right to protect my CONFIDENTIAL medical information from further discussion.

Attorney _____ took full advantage of the situation and I was so hurt by the contradiction of actions made by the Honorable _____ . Attorney _____ conduct the entire hearing was unethical, and unprofessional; yet, the Honorable _____ NEVER said any warning to her. Yet I was warned three times.

The Honorable _____ openly admitted to "not knowing anything ABOUT TRUST FUNDS or MEDICAL DISCLOSURE." This is apparent when acknowledging her final order for Respondent's Petition. Trust "income" from a discretionary trust - cash \$600.00 and bills sent by creditors, and paid by trust to creditors; for benefit of living expenses; OVER \$3,000.00. I provided

all disclosure relevant to my income that totaled \$620.⁰⁰ from trust "allowance", which is not guaranteed and \$875.⁰⁰ from Vanguard Dividends and \$600.⁰⁰ from John Hancock.) Which John Hancock and Vanguard Dividends were/are guaranteed only until my 25th birthday. (March 06, 1985) Yet The Honorable Judge found my income consistent only to presume it applied to my trust fund, which is not guaranteed within a "discretionary" capacity.

The only applicable income to count as income is my investment dividend that totals \$875.⁰⁰/month. My trust paying for my living expenses because I do not qualify for state benefits because of the existence of the Revocable Trust, is not within applicability for an Order to favor my former-spouse for \$603.⁰⁰

At the time that the Honorable Judge calculate the amount of my income; I was experiencing extreme pain and this was evident, as I sat beside the Judge. I was visibly upset, uncomfortable and reference such pain to my back. She never asked me if I had any other available trust income; just if that was my ONLY income from my trust fund. I was in pain and was in need of a break to regain my composure. However, I was too upset with the deprivation of my rights and couldn't ask for a break.

With the time too close to the closing of court, I felt pressured. Regardless, of the confusion of the hearing, I heard the judge declare \$603.⁰⁰ and I asked the Judge: "how am I supposed to eat?" Her response was "I don't know."

I felt upset and cornered. I looked at her in disbelief and she started talking again and said to me: "I'm following the child support worksheet..." and she stayed quiet. Her orders continued and I was shocked to hear that I now was ALSO ordered to pay 69% and former spouse 31% of uncovered medical expenses. It used to be 50% - 50%. I've already paid for 100% and beginning in the divorce decree; when my former spouse owed a proportionate share and coverage.

My ex-husband never paid support when I had custody. I never saw the last three years of his taxes because the information contained within them; will prove that he intentionally withheld the information.

I recently received orders that denied my motion to correct a mistake and relief from a judgment or order because "the court could not determine", what mistake I wanted to be corrected. However, the motion filed clearly offers relevant discussion of the clerical mistake that

clearly requested the court to correct. I wanted my rights reinstated. I wanted "ORDERS" that took my medical information; out of the record/file. I never authorized for their release. The medical information described doesn't show the situations; for what they were.

I tried to commit suicide, not because I was using drugs or drinking; but because I was being assaulted daily. Because my "domestic partner" (or boyfriend) was committing DOMESTIC VIOLENCE. I'm upset because my medical information is being exposed and unjustly portrayed.

Counsel for Respondent illegally obtained the medical records because YBMC unlawfully disclosed them to her. YBMC denied the disclosure and refuses to attempt to recover the records. I'm disturbed and outraged by the situation in itself but am more so unable to cope. I put my faith and trust in the legal system, because when you are innocent, you are not supposed to suffer. When you are guilty, you should be punished for the crime and punishment should fit the crime.

I was subjected to humiliation, denied my rights and Attorney was granted permission to outright harm me in open court. The court had an obligation, a duty, and took an oath to preserve my rights and treat me like a United States Citizen. But this court's judgment in my eyes; has been clouded with the unlawful disclosure of my medical records.

I'm handicapped, receive only income \$875.⁰⁰ investment dividends and \$620.⁰⁰ for trust allowance. I only have \$124,000.⁰⁰ to last me; if I reach the age requirement of 35, pursuant to a final distribution and ownership of the trust.

Written by:

10/31/2009