

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-210

Complainant: No. 1425110356A

Judge: No. 1425110356B

ORDER

The complainant alleged that two superior court judges failed to hold the opposing party accountable for numerous violations of financial disclosure requirements in her divorce case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After thoroughly reviewing the information provided by the complainant and the history of the case, the members of the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. The commission has no jurisdiction to determine the legal sufficiency of court decisions. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: October 18, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on October 18, 2011.

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

2011-210

August 17, 2011

To The Honorable Judge

Regarding case # FC2009-

My name is _____ and I am the petitioner in the above referenced case. I am writing to you because I feel I have been unjustly wronged, by Judge _____ and Judge _____ both of who have presided over this case.

In late January of 2009 I retained David L. Goldfarb, of Gillespie, Shields and Associates, P.A. Mr. Goldfarb filed the action for divorce against my then husband Mr. _____ chose not to seek legal counsel upon being served, instead he chose to represent himself. He has been claiming that he does not have any money. Mr. _____ from day one to this present day has refused to provide my attorney or the court with any of his mandatory required financial disclosures to prove this allegation to be true or not. My attorney, _____ has on several occasions brought this to the attention of the Court, and Both Judge _____ and Judge _____ have ignored this as well as many other acts of contempt he has pulled over the last two and one half years. I would like to know how this case has gotten to this point without any disclosure on his part?

I was married to Richard _____ for 22 years and I know why he does not want to divulge to my attorney or the court his financial information as ordered by the Court on numerous occasions. If he were to provide his pay stubs and tax returns from January 1st of 2004 thru December 31, 2010, as was first ordered by Judge _____ they would show that Richard _____ has five accounts alone with just the Post Office. Also he has a Dreyfus Annuity and a Morgan Stanley Annuity. In March of 2005 he showed me his pay stubs. In the Thrift Savings Plan alone, he had \$290,000.00 in just that account without the other four accounts. The other accounts were well up there.

Richard _____ having represented himself and not complying with any of the Court Orders, has caused what should have been a five thousand dollar divorce escalate into a forty two thousand dollar and climbing proceeding. I have paid Gillespie, Shields, and Associates P.A. twenty two thousand dollars which I had to put on my credit card. I still owe VISA fourteen thousand dollars from the twenty two thousand dollars, plus I owe Gillespie, Shields, and Associates P.A. another twenty thousand dollars. My attorney has told me the extra costs have been incurred because of the additional Filings made in attempts to get Mr. _____ to comply with the requested disclosures and the Court Orders which both Judges have not enforced and ignored.

In June of 2010 one half hour before trial started in front of Judge Richard retained an attorney named Diana L. McCulloch. At the end of the trial it was brought out by my attorney that Richard had made threats of violence against my attorney, his office worker, Judge and his Court Officer. Judge heard the whole case and was to have made his ruling within four weeks, instead he allowed six weeks to pass and then removed himself from the case due to the threats that were made. I would like to know how Richard could make such serious threats that would warrant a Judge to remove himself from a case and get away without being reprimanded?

The case was then turned over to Judge . Judge then made several rulings concerning the trial. Diana McCulloch filed a motion with the court to have the case re-tried and to modify the child support and alimony. Richard having been told by his attorney that he would now have to furnish the financial disclosures and comply with the court orders he had previously ignored, fired her instead of complying. Once again we are back to Mr. refusing to comply with now Judge court orders and costing me more money I do not have. He later admitted to me that he had the money to pay Diana McCulloch eight thousand dollars for representing him, but refuses to this day to pay me any money that has been awarded to me.

In Judge ruling I was awarded items that had belonged to my parents and other family air looms along with my belongings that Richard acknowledged in the trial that were in his possession. Judge ruled that I was to give Richard two weeks' notice before coming to pick up my belongings. When he found this out he called me and left a message. In an irate fit of rage screaming and cursing once again at me saying that he had "No Trespassing Signs" all over the property. I have a recording of him repeatedly saying "If I were to come to Arizona and come on his property he would have the sheriff arrest me. He also said that the only thing that was there was the leaf for my dining room table." Once again this was brought up by my attorney to Judge and she gave Richard another free pass at my expense.

In Judge ruling I also was awarded half of all the money in accounts held by Richard . Judge further ordered that a QUADRO attorney named Richard Underwood be retained to go into his accounts to prepare them to be split. Richard agreed to this in court. Right after court adjourned that day he phoned Mr. Underwoods paralegal and told her he would not give Mr. Underwood his account numbers or permission to go into his accounts. Again Judge after hearing this did nothing! By Judge ignoring this incident once again gave him "cart blanch" to go into the accounts and clean them out. Richard told me not to bother paying for the QUADRO attorney because he had already cleaned out the accounts and hid the money.

In an early ruling by Judge Mr. was ordered to continue paying for and to retain in his possession our 2007 Silverado and the 2003 Passat that was financed in my name. He then had the Passat repossessed to deliberately ruin my credit.

Again Judge will not lift a finger to help me with the Volks Wagen people to restore my credit.

To add insult to injury, knowing I have been disabled for the past 21 years Judge gave me alimony for six years instead of life in which I am entitled to. In every state in the United States including Arizona if you are married 20 years or more I am to receive alimony for life, I was married for 22 year. I need the money to support me and my daughter.

I feel I have been immensely wronged from the very beginning and all thru this entire case. Richard has deliberately made a mockery of the judicial system and Judge followed by Judge in their handling of this case and their rulings. I am asking Your Honor to please help me by having this case retried in a legal and professional manner at Richard expense starting with complete disclosure on his part.

Sincerely,