

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-058

Judge:	No. 1463711008A
Complainant:	No. 1463711008B

ORDER

The complainant alleged a superior court judge was antagonistic toward her and her spouse because they represented themselves. She further alleged the judge was not prepared for the hearing and made erroneous rulings.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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 reviewing the information provided by the complainant and the judge's order, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 19, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on April 19, 2013.

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

Our court hearing for case _____ was held on February 25, 2013. I am writing this complaint because Judge _____ not only acted antagonistically to both (Petitioner) and _____ (Respondent) but his decisions did nothing to help the family situation, in fact his actions only exacerbated the current problems and made the situation worse. Judge _____ displayed a disgraceful abuse of power and arrogance.

He and the court failed this family.

Mr. and Mrs. _____ divorce was final in 2006 after separating in 2005. They chose to use mediation for reason's of cost, convenience and morality. The parenting schedule has presented to be a particular issue of contention between the parents. Their disagreement has not been remedied through professional mediation or previous meetings over the last several years.

_____ has tried to improve the situation and put everything tried to put everything to rest by reaching out to the court system – this process was started 2 years ago. _____ met a few times over the last couple of years trying to fix this matter though written agreement between the two of them. Mr. _____ did not follow the agreement, which led to the most recent meeting with the parenting conference and court hearing.

_____ both agreed that the parenting conference was very helpful and they were both hopeful to a positive solution. Then came the hearing with Judge _____

requests:

1. Parenting Schedule: To have a more “set schedule” that was conducive to both parents seeing their son on a regular, consistent basis. The past parenting schedule over the last 7+ years was dictated by _____ work schedule, which led to spending up to 10 days or more with _____ with _____ not being able to see his mother during that time. Not an ideal or healthy situation. _____ could not get _____ to understand why this was not good for their son. Consequently, they were led to mediation, and after that did not work, a parenting conference and court hearing.
2. Child Support: Mother requesting Child Support adjustment and back pay. _____ was unemployed 12 months over the last 24 months (2010-2012). She did not receive any additional child support during that time – only the court ordered amount of \$120/month previously set.

Complaint with Judge _____

1. Both _____ were treated antagonistically for not having lawyers present. Both parents believe that this is - in essence - a family matter and they do not need to pay thousands of dollars to lawyers to achieve a proper solution.
2. Judge _____ appeared to not be prepared. It was apparent that he did not review any of the documents or reports before addressing the issues.
3. Ms. _____ put in a formal request providing an outline of a **set schedule** that would work for both parties. He did not acknowledge this at all and put another schedule down without considering anything of what the mother or father needed or wanted. The reason the court and judge were needed in this situation? Because _____ will not follow anything unless it is been stamped by a court. It needs to be extremely specific – any grey area will result in _____ doing whatever he wants with no regard to mother or child.

4. also put in a formal request for **child support** changes and **back-pay adjustments** (2010-2012). What Judge did shocked both parents and it was totally unnecessary. He took all child support away from the mother (the new amount was supposed to be for \$80/month). He said that anything under \$100/month is “nothing” and not worth anyone’s time. In my world, that is a lot of money and I count on even the smallest amount every month. I challenge the courts as to why any judge would do that to a single mother who was unemployed for 12 months living in a 1 bedroom-1 bathroom apartment while the father lived a comfortable lifestyle?? was laid off from her job of almost 8 years back in 2010. After 5 months she found another job in February 2011 – it was a contract position and, unfortunately, the contract was ended early with the company. She found another good job immediately, but that company had lay-offs in 2012, laying off 60% of their employees. She was able to get another job in November 2012 after being unemployed for another 7 months. This misfortune in employment caused her to run completely through her savings and retirement. During that time did not receive any additional help from he even demanded that still pay half of all medications, Dr. bills, day care, activities, etc. In fact, he still owes her about \$100 for medical bills he refused to pay. This amount was also put in writing to the court. (please see attached)
5. In fact, the post hearing docket sent states that “any child support calculation under \$26.00 terminates child support”...that is significantly less than the current amount proposed to the court. The new child support calculation was for \$80. The amount submitted to the court by was in fact not accurate. He did not submit his true salary amount. For the judge to not even listen to Ms. or consider her requests was a disservice to the court and this family. He failed a child, a mother, and a family. It was as if Ms was being punished for not having a lawyer (have never been able to afford one anyway).

Please consider these complaints seriously. It pains me to think this may happen to other families, too. We may have been one small family in a string of families he sees everyday, but he needs to realize that his decisions affect people’s lives permanently. Thank you.