

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-028

Judge: No. 106671486614867A

Complainant: No. 106671486614867B

ORDER

The complainants alleged a superior court judge has unfairly and unclearly ruled, most of the time without giving one of the complainants, as a petitioner, the chance to explain or respond before the rulings were made.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 12, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainants and the judge on March 12, 2014.

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

Today's date:

Name of the Employee the complaint is about:

Case Number:

Petitioner:

Respondent:

Person filing this complaint:

When it happened:

Explain what happened: I have personally witness the events surrounding, and the handling of, this case and strongly stress that this case has been unfairly and unclearly ruled since day one, most times without the judge giving the Petitioner the chance to explain or respond before judgment has been made.

Please read this entire letter, and thank you for your time. **This is a matter of financial urgency.** The Petitioner has used up _____ of dollars in savings and now living paycheck to paycheck and is going to lose _____ house if she has to keep paying someone spousal maintenance (no kids) when he doesn't need it to live. It's bad enough that we now have no savings, just enough for medical deductible for the year. The Petitioner made major cut backs (such as cancelling Dental, Directv and cable) to try to stay afloat without paying Spousal Maintenance. The reality is, if she continues to pay spousal maintenance, the Petitioner will be left with around _____ to pay for SRP, Gilbert Utilities, internet, phone, fas, food – and God forbid, any house or car issues. Additionally, the petition spends _____ month for medicine not covered by insurance, and will incur bills for any dental work that needs to be done. No one can live on _____ for bills and food. Before her own disability, the Petitioner earned _____ a yr, plus _____ bonuses a year (around _____ each) and SIP, etc, go on to not having enough money to live on. A modest life (we don't even pay for tv anymore because we can't afford it).

Here's a recap of our issue:

The Petitioner has been out of work due to medical issues since _____, and was seeking disability at the time that she filed the latest motion to modify spousal maintenance. There was no income in our family for many months and we are still struggling to make ends meet. The Respondent's lawyer filed a motion stating that the Petitioner does not have medical issues and just trying to not pay him spousal maintenance... another ploy to try to make the Petitioner 'pay' for divorcing him. (there is writing proof from of the Respondent threatening that the Petitioner _____ will end up with nothing.

A hearing on _____ was to address the Petitioner's request to end spousal maintenance. Instead, it was said that the Petitioner and Respondent need to trade financial information and medical and get a case ready for _____. After extensive review of the Respondent's financial data, the Petitioner _____, showed the court that the Respondent is able to pay all his bills, food, medical, directv, rent, all living expenses, plus able to still pay a lawyer _____ mo AND still able to put some money in his large Savings account (Respondent already got, from Petitioner (post divorce) over _____ in retirement and savings money – and still has over _____ in savings today)... all WITHOUT spousal Maintenance. The petitioner proved that the Respondent does not Need spousal maintenance to live. But, at the trial, the judge intimidated the Petitioner and even said “...stop – we are not here to prove that the Respondent needs the money. He already proved that!”. Baloney! The Respondent didn't need it before, he doesn't need it now. The trial continued after the judged continued to intimidate and confuse the Petitioner. The hearing went astray when the Petitioner who was already in so much chronic pain, experienced another episode of “fibro-fog” (yes a true result of a true disability). She became confused on what was already covered, and what exhibits were entered, etc.. and the pressures of the judge and other side still trying to say that my

wife, the Petitioner, went on disability to just get out of paying Spousal Maintenance, and that she makes more now than when she was working.....well, she just gave up at the end of that trial and just hoped that the judge would do the fair thing, look at the facts and rule unbiasly. Also to note, not only was she in severe pain, she had a needle in her eye (seriously) that was extracted the next day after the trial.

We don't believe the judge fairly reviewed the documents submitted (exhibits) – which included the Petitioner's SSDI award for disability – for if he did, he would not have judged so unfairly! How can a judge state that the defended was not DISABLED? SSDI had already done so. In fact, during the trial, cross-examine of Respondent by Petitioner, the Petitioner read off 'The Hartford (LTD) disability reason for them awarding disability. There is no cure or fix for the Petitioner's disability, which by the way, is similar to the Respondent's medical condition that deemed him disabled.

wasn't a trial to prove that the Petitioner was disabled, but it was treated as such by the Judge, and the Respondent and his lawyer. The results of for so unbiased, that we were forced to hire a lawyer, and she got the judge to admit that he had some reading on all that had been processed and get back to us. On the judge stated that he “rejected many portions of Wife's testimony in reaching its ruling”. Right there he admits that he was unfair – not even treatment. He also states that “FMLA leave is not a permanent circumstance warranting downward modification of Spousal Maintenance”. Interestingly, it was stated in the hearing that the old Petitioner was seperated from her employer, because she was Out of Work for months, and they couldn't hold her job for her. Petitioner is not on FMLA anymore, she has no job to go back to even if there was a miracle cure for her chronic severe dibilitating pain. She will never be able to work again with her disability. That is why SSDI got approved so quickly, because they saw the history of her treatments throughout the years and that her condition worsens every day.

For the reasons listed above, and SO MANY other faults of the court and judge, we have been treated very unfairly and demand attention to correct the wrongs.

What my wife and I don't understand is why, when the Petitioner/payer of Spousal Maintenance to a man on SSDI goes on SSDI herself due to severe medical conditions, which results in her getting only of prior income, should she still have to pay the Respondent Who is going to supplement the Petitioners income so that she can afford to live?

Some other historical data:

From the beginning of this case, during divorce hearing on the judge seemed confused as to who was requesting spousal maintenance (in this case, Respondent was requesting money from the Petitioner), and this confusion also was documented in the divorce decree. The decree had many errors in it whereas mixing up who was requesting spousal maintenance, and the conditions thereof. The handling of the hearing was unfair, whereas the time for each side was to be hour and the Petitioner was to talk first. Well, the Respondent spoke first and the judge allowed the Respondent to ramble on for over an while the judge appeared to be reading/concentrating on something else. Additionally, the judge did not demand an AFI from the Respondent when it was evident that he did not supply one. Instead, the judge ruled on an predetermined amount of spousal maintenance without putting on an end date. The facts are that the predetermined amount was agreed upon, and documented (signed and filed) in ERC and Joint Pretrial statements by the two parties with a clear end date of years or when the house sells. This was not written in the divorce decree. Although the decree was deemed Modifiable, the Petitioner has not been to get the correct attention from the judge in regards to the end date of the Spousal Maintenance. There are more details on this topic that can be supplied if needed. One of the other major decisions that the judge made, without the input from the Petitioner, is the Respondent's (via his lawyer) to appoint a real estate commissioner to sell the house. The court approved the respondent's request for appointing this commissioner based on untruth and hearsay from the Respondent about how the Petitioner was handling

the sell of the house. The basis for the respondent's motion was untrue. This motion was filed and signed by the judge, and by the time the Petitioner got the motion in the mail, the courthouse was closed for an extended holiday (recess). The Petitioner already had the house up for sale as the Respondent is aware because he had to sign all the contracts! There was no reason to have the court intervene. The Petitioner had no way to get all the FACTUAL information in front of the judge because the judge was out on holiday. Meanwhile, the real estate commissioner bullied the petitioner, and often times threaten her with contempt, saying that she had to act now, and work with him. The motion said the Petitioner had to comply within _____ days, and therefore she thought she would have time to get before the judge, but the Real estate _____, told her she had no right, and no time, and had to comply now. I have witness the actions of _____ and they were VERY unprofessional, one-sided, and threatening. In any case, the point is that the judge signed the motion without knowing that facts, thus taking the word of the Respondent's lawyer as the truth, when it was not. Because of the 'fire-sale' that _____ instituted, the Petitioner lost _____ of dollars from the sale of the house, and experienced severe mental anguish from how _____ and Judge _____ handled this motion.

With the house on it's way to being sold, the Petitioner filed a motion to end spousal maintenance. The court and the Respondents lawyer stated that the motion was filed incorrectly, and that the Petitioner didn't have a change of circumstances while in fact, she did. The change was that the house was sold, and the Respondent's financial needs would change as a result. Per the judge's verbal response to the Petitioner's lawyer's post decree question as to the length of time for payments, the judge said that when the house sells and the Respondent moves he will have a change of financial needs that then the judge would know what the Respondent's needs really are. That's what the Petitioner's hope was when she filed the motion, that the judge would order an AFI from the Respondent and review it. Instead, the judge allowed the Respondent's lawyer to claim that the Petitioner wasted their time with the filing of the motion, and cost the Respondent lawyer fees, which the judge then awarded _____ payment from the Petitioner to cover the Respondent's lawyer costs (even when the Petitioner was paying her own lawyer). How is that fair? These are just a few highlights of the wrong that was done to the Petitioner.

Attorney or not, this is not fair and impartial treatment to the Petitioner, and I will not stand for it any longer. I demand Justice. No one person deserves to be treated this way, no matter what. I am a veteran and an upstanding member of this republic and will not allow this to continue in this manner without some kind of intervention. The divorce was in _____ and yet the judge is allowing the Respondent to still stay connected to the ex-wife (Petitioner) and causing a lot of pain and mental strife. It is negatively affecting her life. It is affecting our family's lives. It is destroying our belief that the judicial system is fair and impartial. My wife, the Petitioner, is not a criminal or a bad person or hard to work with, yet is being made to look like one. The fact is, my wife support the Respondent for _____ years while he contributed nothing to the marriage. The Respondent got a lot of money via the divorce but is still taking from the Petitioner, for no other reason then to 'stick it to her'. Please sir, if you can understand our plight and not do something, then what kind of country do we live in where people are allowed to carry on this way and allow attorneys and their clients to keep something going on so they can make money? Whenever the Petitioner or I tried to contact Judge _____ office, we get voice mail. And even after leaving a message, no one returns the call. Even when we stopped by the courthouse, we were unable to talk to anyone from Judge _____ office. This is unprofessional and unacceptable.

The Respondent has been after more money, every which way he can, from the beginning of this case, but money isn't really the issue because if it was, he would not have filed a motion to have the house put up for a fire-sale or sorts by _____ whereas both parties lost _____ of dollars. This is a contradiction for the Respondent who claims to need more income all the while taking less and not settling anything financial between the two parties. It isn't about money, it's about revenge – that is the Respondent's motive, and if the judge was to read all the papers filed by the Respondent, he would see the game that he is

playing. And if the judge did read all the filed papers, then why is he allowing such behavior by the Respondent? In summary, Judge _____ doesn't appear to what to know all the facts in this case, or he would not have behaved, or let the Respondent behave, this badly. He seemed preoccupied and/or disinterested during the hearing, and not treating this case fairly. I ask that you remove Judge _____ from this case, or at least, have another judge review all the documents filed and request my side of each event – so that the issues/events are heard unbiasedly.

Sincerely,