

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-235

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased and issued inconsistent and unsupported 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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's rulings. In addition, 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: September 10, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 10, 2014.

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

Commission on Judicial Conduct
1501 West Washington, Suite 229
Phoenix, AZ 85007

RE: Complaint Regarding Judge

Commission Members:

My name is _____ and I am a wife (Petitioner) seeking an equitable division of property and fair treatment from the two judges and the legal professionals involved in my dissolution of marriage case in _____ The Respondent is my husband, _____ who is represented by _____ My current lawyer is _____ I was first represented by _____ of the _____ in the matter of this dissolution of marriage. I am writing this letter to the Commission to report on the mistreatment to which I have been subjected by this court and its judges. This case is a simple matter of applying Arizona's community property law and holding all parties accountable for complying with that law. However, this simple case has turned into a fiasco and become needlessly complicated because of the apparently unscrupulous activities of the assigned judges.

My case is currently in Appeal. I am reaching out to this Commission on Judicial Conduct regarding Judge _____ Please note that Judge _____ was assigned my case after Judge _____ unexpectedly and inexplicably recused himself from our case in _____ My lawyer has asked Judge _____ why he recused himself from my case and we are awaiting his reply.

In addition to a seeming lack of interest in following due process and applying the law in our case, I have two verifiable complaints about Judge _____ conduct in the matter of this divorce:

- 1. Administrative Mismanagement.** My attorney filed a Motion to Appeal on _____ Within a few days of that filing, my husband filed a Motion to Dismiss the Appeal via his new attorney (NOTE: it was not filed by attorney _____ but heretofore unknown attorney, _____ Judge _____ granted my husband's Motion to Dismiss the Appeal and told my attorney that the Motion to Appeal was filed in the wrong court. Later, Judge _____ reversed his decision and issued a Minute Entry denying my husband's Motion to Dismiss the Appeal. However, due to the timing of these events and lack of notice from the judge (of his reversal), my attorney rushed to file a response to the Motion to Dismiss the Appeal AND a Motion to Reconsider the Order Granting the Motion to Dismiss the Appeal. It is aggravating that Judge _____ was quick to inform my attorney of a supposed error, yet he failed to acknowledge his own error and failed to timely advise my attorney of the ensuing events -- knowing he had first given my attorney incorrect information and knowing that my attorney was working to offset the damage that his erroneous decision would cause me. This has injured me in that I have been invoiced for the time my attorney had to take to address Judge _____ erroneous ruling on the matter. This is just one example of a larger pattern of administrative mismanagement that has emerged in this case. Please investigate. Copies of the Motion to Reconsider and the Minute Entries referenced herein are enclosed with this letter for the Commission's review.
- 2. Favoritism and Leniency.** On _____ I was granted an _____ by the _____ Court against my husband. My husband challenged the _____ and Judge _____ heard arguments in court on _____ There is so much that was wrong about how Judge _____ handled the matter, which I won't get into in this letter. However, I want the Commission to address what is most disturbing: Judge _____ gave no deference to me or my attorney when we notified him and supplied proof that my husband had committed perjury and his attorney

had suborned perjury during the hearing. Despite these revelations, Judge ruled in favor of my husband and squashed the Judge also issued a Minute Entry wherein my husband was given to respond to the Reconsideration Motion we filed (enclosed). Because Judge issued the Minute Entry dated (enclosed), we understood that my husband had until to respond to the Reconsideration Motion such that a failure to respond within the would mean that the decision to cancel the would be negated and it would in fact remain in full force. A response was not submitted. Yet, on Judge entered another Minute Entry granting my husband an to respond to the Reconsideration Motion -- *even though such extension was not formally requested by my husband or his attorney!!!* Why did Judge swiftly dismiss my legally obtained even though he was made aware of the perjury? Why has Judge been so lenient toward persons who committed perjury? Why has he given the opposing parties extra time to respond in this matter when it was not requested? Why has he prolonged this issue when he already ruled on it and no one is appealing it? Judge is making a mockery of the courts and establishing an unsafe precedence for persons, like me, who seek legal means for protecting their personal safety. In addition, Judge mishandling of this situation continues to create undue financial and emotional burden for me.

Why this judge has been so dismissive and one-sided in our case is beyond me. Please help. What should have been a simple, straightforward divorce has turned into a costly nightmare for me due to the failure of this judge and Judge to fully review the facts of the case and to require all parties to uphold the law. It has been most unsettling to me that these judges have been so inhumane – especially since this is family court where they know we are in the midst of a painful personal tragedy to boot.

I appreciate your investigation into this matter. All parties need to be held accountable for doing the right thing.

Sincerely,

Enclosures: Copy of Motion to Reconsider
Copy of Minute Entry
Copy of Minute Entry
Copy of Minute Entry
Copy of Minute Entry