

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-266

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge had improperly divided community property in a marriage dissolution proceeding.

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: October 28, 2015

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 October 28, 2015.

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 about Judge

Commission:

My name is [redacted] I submit this complaint regarding Judge [redacted] conduct in the matter of my [redacted] case [redacted] and to appeal to you for assistance in stopping Judge [redacted] order to deduct approximately [redacted] from my hard-earned retirement savings accounts without my authorization. Further, I ask you to guide or train Judge [redacted] on how to assist [redacted] as it relates to division of assets BEFORE he unilaterally decides to financially annihilate a person's financial viability for no reason. Please note that due to this lengthy legal battle, my savings are depleted and I can no longer afford legal counsel. I am [redacted] Also, I have been unemployed for nearly a year. Judge [redacted] was made aware of this, which makes his actions all the more irresponsible, impetuous and egregious.

See attached Under [redacted] which I received by mail on [redacted] See also the Memorandum from the [redacted] Court. One can see that the Under [redacted] disobeys the Court's Memorandum. For example, one can see that in no less than six paragraphs, the Court ruled that husband has no claim for attorney fees against [redacted] Yet Judge [redacted] fined me in attorney fees. [redacted] also fined me [redacted] for accounting fees [redacted] even though it contradicts the contingency clause of the agreement that Judge [redacted] ordered us to enter into with [redacted] That's wrong!!!! Judge [redacted] is literally taking money from my retirement savings to satisfy these fines that he cannot impose – because the [redacted] Court wrote so and because the contingency clause in the accounting agreement with [redacted] prohibits it.

At the latest trial on [redacted] Judge [redacted] commented that he needs to study our case (which is complex) and he said he would consider an evidentiary hearing after he looked into our case. Judge [redacted] is the judge who has been assigned to our case. I was encouraged by Judge [redacted] comment that he is considering an evidentiary hearing, and I followed up by making a formal request for an evidentiary hearing and requesting a [redacted] to perform the equalization recalculation that the [redacted] Court remanded. I question why Judge [redacted] would [redacted] himself when he is not an accountant. Our case is complex because there is the division of a lucrative limited liability company that was formed during the [redacted] Only a qualified accountant knows how to perform discovery and apply the proper accounting practices (e.g., cost or accrual accounting). My request to have an unbiased [redacted] a qualified accountant - perform the recalculation exercise was made in a timely and lawful manner. However, Judge [redacted] never replied to my request – he just sent the Under [redacted] that means annihilation of my retirement savings. I am harmed for no reason. I tried to ask Judge [redacted] why he didn't answer my request, and why he didn't offer alternate equalization remedies that we could agree on. But he will not answer me.

This is court, not court. It is incumbent upon court judges to do no harm. The law in spirit and principle was enacted to be a stop-loss measure for such that neither party receives an unbalanced financial windfall or burden. In my case, I especially need the protection against financial devastation that Arizona's law affords. So why doesn't Judge follow the law? Why is he letting who is by state walk away from the with more than plus more from my to also hand over This makes no sense and is in violation of the laws of Arizona.

Commission, please help. A good is all we need to make this situation right. I see no other way for me to receive justice and for the Court to show they will comply with the law in an unbiased manner.

Sincerely,