

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-032

Judge:

Complainant:

ORDER

The complainant alleged a retired superior court judge did not afford her an opportunity to be heard, was prejudiced against her, and made improper rulings in a family law matter.

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 judge'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.

To the extent the complainant also requested to appear before the commission concerning her complaint, the request was denied.

Dated: March 2, 2016

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 March 2, 2016.

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

2016-032

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

RE: Complaint of Judicial Code of Conduct Canons Violation by

Commission:

My name is [redacted] I wish to file a complaint against [redacted]) and ask for your assistance in averting what I can only describe as the financial rape she ordered as my punishment in the Under Advisement Rulings (UARs) she authored. This is [redacted]. Please note that I am a self-litigant. The Arizona State Bar suggested I review the judicial code of conduct canons to advise you as to exactly how [redacted] violated them.

In the shaded areas below, I show the Canon and Rule that [redacted] does not adhere to in this matter, and I provide background and examples of how she violates the Cañon or Rule in our civil matter.

CANON 1: A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.
RULE 1.1. Compliance with the Law
A judge shall comply with the law, including the Code of Judicial Conduct.

Background: Ours is a divorce case without children. A [redacted] was entered into [redacted] I filed an appeal to amend [redacted] because this section did not correctly address the value and division of the company we formed during the marriage. My appeal - [redacted] - was denied by the Appellate Court in [redacted]. The Appellate Court remanded [redacted]. Simply put, all parties involved in this matter were ordered by the Appellate Court to comply [redacted]. While I was disappointed by the Appellate Court's decision, I accepted it and expected [redacted] to order me and my ex to comply [redacted]. Instead, [redacted] determined that all marital assets are to be awarded to the ex and ordered me to be punished and fined severely. **How [redacted] violated Canon 1 in this case:** [redacted] did not enforce [redacted] as expected and ruled by the Appellate Court. Instead, [redacted] did not comply with the law or the Code of Judicial Conduct, Canon 1 and Rule 1.1 when she:

1. Did not mention or comply with the Appellate Court's [redacted]
2. Ignored the [redacted] and made up her own property settlement plan;
3. Used a small portion of an accounting report in place of [redacted] to determine a global settlement figure, **resulting in gross miscalculation of the settlement and a six figure financial loss for me;**
4. Imposed harsh fines on me that even though [redacted] and agreement with the court-appointed [redacted] prohibit such fines entirely ([redacted]);
5. Most cruel, appalling and disturbing of all --- ordered the settlement amount (that she grossly miscalculated) to be removed from my only remaining financial safety net, my retirement investment, **without my authorization.** Not only does this cruel order violate this Canon, it also violates my 4th and 8th Constitutional Amendment rights, according to the U.S. Bill of Rights.

RULE 1.2. Promoting Confidence in the Judiciary
A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.
Background: [redacted] was newly appointed to this case in [redacted] never got familiar with our case.

How violates Canon 1, Rule 1.2 in this case: acted in a manner that not only erodes my confidence in fair judiciary proceedings, but also shakes my faith that humanity, competence and kindness exist in her court. In our case, all she had to do was enforce the Appellate Court made their decision. Instead she made up her own rules and dealt crushing blows to my financial viability for no reason. Below are all the ways that eroded my confidence in the independence, integrity, and impartiality of the judiciary:

1. order to take my hard-earned retirement savings from me without my permission is the single-most damaging thing that this judge did to me. Even get several chances who is a law-abiding citizen. I am not a . It seems did not bother to take the time to study our case and rule appropriately. She apparently used a template from some other ruling as the base narrative for our divorce matter and just changed the names to destroy the innocent. didn't even give me a chance to work out a payment settlement plan. No spouse deserves to be mistreated by a judge in this way. It is a disgrace, an act of despotism and a violation not only of this Canon, but of my 4th and 8th constitutional rights.
2. deemed me "disobedient" and "contemptible" in her name-calling and character assassination of me is unacceptable, without merit and has no place in a "no fault" divorce state. At my core, I am an obedient, honest and cooperative person. I have presented a professional, cooperative, patient demeanor throughout this ordeal, and have not purposefully or knowingly disobeyed any orders. I am confused by and have suffered so much from hurtful words about my character, which are uncalled for and most inappropriate in a divorce matter.
3. did not enforce the law, the Appellate Court's ruling or ; which not only creates the appearance of impropriety, it is improper and unethical.
4. did not proceed with a spirit of impartiality and fair resolution when she ordered the removal of my retirement nest egg without my authorization – as a first resort rather than a last resort. In so doing, ordered what I can only describe as my financial rape. No divorcing person should be subjected to this tyranny by a judge.
5. did not do her homework, was sloppy or negligent. What struck me as unusual is that the seem to be a "cut and paste" from rulings a judge might enter for . Why – in a family court and in a divorce proceeding – would a judge order the removal of a person's life savings without that person's authorization when that person has never been shown to be derelict or at risk of noncompliance?
6. made several errors and omissions in the she authored. See the wherein I note the errors and omissions. sloppiness and lack of attention to detail in our case has caused me to lose confidence in her ethics, her competence and her ability to make proper, fair and impartial decisions and unjustly inhibits the proper division of community assets in this divorce settlement.

CANON 2: A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY

RULE 2.2: Impartiality and Fairness

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

RULE 2.5: Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.

Background: When I received ; I found them so full of ridiculous and incongruent statements and errors that I did not take them seriously at first. It appeared "did a rush job." As an interim judge who was only involved in our matter for a few months, it appears did not take the time to become familiar with our case, since her no resemblance to the Appellate Court's ruling . All of this causes me to be wary of 's competence, diligence and cooperation in our legal matter.

How violated Canon 2 and Rule 2.5 in this case: causes me to be wary of her competence or ability to be impartial because the she authored are riddled with errors and omissions. See the wherein I point out the errors and omissions that depict 's incompetence and partiality.

How I violated Canon 2, Rule 2.2 in this case: I did not ensure impartiality, objectivity and fairness to the parties. Please see I 7 wherein I note I violated Canon 2, Rule 2.2:

CANON 2, RULE 2.3. Bias, Prejudice, and Harassment

How I violates Canon 2, Rule 2.3 in this case: Based on I ; disregard of the Appellate Court's Memorandum Decision, the law she failed to perform the duties of judicial office, including administrative duties, without bias or prejudice. I portrays bias, prejudice and harassment in this case in the following ways:

1. Disregards and defies Appellate Court's Ruling.
2. Orders unemployed wife to pay I ex-husband's attorney fees:
 - a. in direct opposition to and in defiance of the Appellate Court's ruling
 - b. in direct violation of I
 - c. when attorney's fees awards are not meant to be used as a weapon to harm or punish a person for bringing their concerns before a court
 - d. when attorney's fee awards are meant to mitigate financial harm of a poorer litigant, which is what I am, not my ex. Instead I ordered the withdrawal of my only nest-egg, my retirement money, to pay my I ex-husband's attorney fees, thus using attorney fees as a weapon to intimidate, punish and further weaken and inflict even more suffering and financial hardship upon the already weaker party. This is not the spirit or intent of attorney fee awards.
3. I am the only compliant party in this matter and I am the only party who has upheld the I ; yet I am the only party that I is punishing as though I have not upheld it. The essence of Arizona's community property law in divorce asset division is a stop-loss measure. It is designed to ensure both parties are held equally accountable for disclosing and dividing assets. I does not seem to grasp or agree with this concept of fairness.
4. Ex-husband has not complied with or carried out I ; I decided to give him all of the bank assets, while handing me all of the fines and bills. I ; is so lopsided and biased in favor of ex-husband that it gives the appearance of collusion, conspiracy, and corruption. Why would she rule so unfairly? Why would she harm me in this way?
5. Ex-husband is a I whose earnings come directly from the I . Ex-husband contributes money to I ; and is I , which is all the more reason for I to have taken care to ensure she was not influenced – and does not appear influenced by – a I . But given that I has never so much as reminded the ex-husband that he must comply with I ; while she imposes harsh penalties on the financially strapped wife, and calls wife names, shows I bias, prejudice and harassment.

CANON 2, RULE 2.6. Ensuring the Right to Be Heard

How I violates Canon 2, Rule 2.6 in this case: I entered her I knowing full well that she was no longer going to be assigned to this case and would not, therefore, be available to hear the litigants in this matter. She imposed a harsh and unjust punishment on me, then walked away. I rushed to judgement when she didn't need to. She did not take care to comply with the Appellate Court's ruling. It is so unacceptable for a judge to treat litigants, who are average citizens, this way. By thwarting litigants' ability to be heard, I violated Canon 2, Rule 2.6 as follows:

1. She did not accord every party who has a legal interest in the proceedings the right to be heard according to law.
2. She did not encourage the parties to proceed in settling the matters still in dispute, and coerced a settlement that is not in compliance with the Rule 69 Agreement, which both the Superior and Appellate Courts upheld as the binding agreement.
3. She undermined the reaching of a fair settlement by making a rush judgment to punish me when it was not necessary to make a rushed judgement or to punish either party.
4. She did not take into consideration, when deciding on an appropriate settlement, the items outlined below:

- a. That I requested to be involved and participate in settlement discussions
- b. That I am an inexperienced litigant and have never been divorced
- c. She seemed to disregard that the case was decided on appeal because she did not mention the Appellate Court's Memorandum Decision in her
- d. That this is a civil matter in a family court, yet she is punishing me as though I am a criminal or someone who is derelict in making child support payments – when I am neither.

Prior to assignment to this matter, [redacted] was the assigned judge. Although my ex kept filing motion after motion, [redacted] taking action in deference to the Appellate Court (i.e., the matter was pending on appeal for a year). When [redacted] took over, I reasonably assumed she would defer to the Appellate Court's decision too. Instead, she "went rogue" and clobbered me so harshly and cruelly. It has been said that evil prevails when good men stay silent and do nothing. I want to shout from the rooftops how this judge and this court mistreats me and others. I have witnessed other female litigants at this courthouse who are crying because of a judge's harsh ruling while their ex is giving them the "ha, ha, I told you so" treatment right outside the judge's chambers. It's sickening. Why are there no cameras in the courtrooms and court hallways? I submit this letter on behalf of myself and every divorcing person at the [redacted]. We are not slum dogs, we are people. We are not dumb, we are hurting. At least half of us didn't want this divorce and are deeply hurt and heartbroken. It's everything we can do to maintain our composure and to think clearly. We are down and out, and this court's judges stomp on our human rights and treat us with anything but dignity and thoughtfulness. It is a human rights violation that I never would have believed had it not happened to me. I don't understand this judicial brutality and want to expose and correct it so that no other person suffers in vain.

Commission, please exercise your duty to protect the public and the common good of people like me by disciplining [redacted]. I have suffered severely from this judge's apathy and ineptitude and don't deserve to be punished by her or the courts in this way. It's bad enough that I – a good and faithful wife and kind, honest human being – was rejected, betrayed and ripped-off by my ex-husband. That any judge would call me names, join my ex-husband in bashing me and take my last savings ([redacted]) to pay my ex's legal fees is unethical and despicable. Please be patient with this long letter. Like many victims of assault, I find it difficult to be succinct due to the depth of pain and suffering this judge's cruelty has wrought upon me. Please interview me. I really wish you would.

Commission, please do the right thing and hold [redacted] and all the [redacted] accountable to be ethical; for abiding by the law; and for holding all persons in this "family" court equally accountable for complying with the law – and above all to protect the vulnerable citizens in their court rather than harm them.

In all this suffering, I thank God and give Him the glory for revealing how these [redacted] intimidate, harm and mistreat the very people whose taxes pay their salaries. Commission, it has been revealed to you too. Do not turn a blind eye and do not tell us your hands are tied or that these judges are without fault. You have the means to correct this problem. I encourage you to do what is right for litigants and I thank you for your prompt attention to this matter.

Sincerely and truthfully submitted,

Enclosures: