

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-085

Judge:

Complainant:

ORDER

August 1, 2023

The complainant alleged a superior court judge issued improper legal decisions in a family case.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 1, 2023.

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Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2023 - 085

COMPLAINT AGAINST A JUDGE

Name: **Judge's Name:**

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

During the divorce proceedings, major issues stand out as misconduct by the judge. She clearly did not read any of the evidence as it was black and white as far the timing and the evidence provided.

At dispute, and the reason for this complaint, were _____ plans I had through my employer; the _____ Plan and _____ Plan These were _____ options provided through my employer that had a _____ year vesting schedule. The _____ plan matured in _____ and the _____ matured in _____. These plans were funded with income from my employer, and if the stock had appreciated at the end of the vesting schedule, a % of the gain was awarded to us. If the stock did not appreciate, the initial investment was refunded with no gain and no loss.

These were funded with community property income and were dispersed while we were still married and even prior to me filing for divorce!! All of the evidence was provided with dates of initial investment and at maturity. The judge did not even read the evidence which is a shame and disgraceful. She should be removed from her responsibility for not conducting her job up to basic standards that all who come before should expect to receive. A fair and reasonable trial to which the evidence provides.

I repeat, both of these _____ matured PRIOR to me even filing for divorce. How in the world could the judge rule that these funds, deposited into our bank account in _____ and _____ not be used for community expenses? I filed for divorce on _____. From the time I moved out of the house up until mediation in _____ I paid all bills as my ex did not work. Even when separated and living in separate residences, I continued to pay ALL bills, hers and mine, including but not limited to; mortgage, groceries, health/medical insurance, home owners insurance, clothing, her spa treatments, extra spending money, car payments, vacations etc....

My ex did not have employment from approximately _____. If my ex did not have any income, where does the judge think these funds went? It was proven through bank statements the dates the funds were deposited into our _____ bank account, which again were prior to me even filing for divorce. This is an absolute abuse of power and negligence by this judge by awarding _____ of these _____ options to my ex.

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Up till the date our divorce was final, not only was I paying all the bills listed above, I was also sweeping per month to her under a temporary order through mediation. Again, where does the judge think these fund came from to afford her lifestyle, and mine, while living apart? It came from these options as well as my income.

Due to this judge's lack of competence and negligence, she ruled these options were entitled to my ex. This is approximately , that was funded, matured and used for our community funds, that to this day does not sit right with me. It is disgraceful and just flat out wrong. This judge should be removed from the bench.

After spending thousands and thousands of dollars in attorneys fees, courts fees, alimony and child support, I threw my hands up and decided against appealing. Why would I waste thousands of dollars on an appeal and not get a fair trial?

I truly hope someone goes back to the case and reviews the evidence that is clear and black and white. All credit card statements, bank statments, options evidence are all in the case files. Its ridiculous I even have to submit this form.

Respectfully,