

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-389

Judge:

Complainant:

ORDER

December 27, 2024

The Complainant alleged a superior court judge in a family court case erred in determining the amount of retirement benefits to be awarded.

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 members Denise K. Aguilar and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 27, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-389

COMPLAINT AGAINST A JUDGE

Name: Judge's Name: Honorable

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.

Honorable _____ signed the motion(s) submitted by _____ on behalf of his client and accepted the motions as presented. Honorable _____ was aware of Judge _____ Settlement Agreement that was made a part of the CONSENT DECREE OF ANNULMENT WITHOUT CHILDREN, this settlement agreement is a valid contract. _____ did not comply with the following part of the contract: shall equally divide the community portion of Petitioner's Arizona State Retirement System pension, and State Deferred compensation accounts. Since this was a bigamous marriage the rights assigned to these people are vastly different than a legally married people. Since the money taken to finance the retirement account and the deferred compensation accounts were considered personal assets and not community property then all money put into these accounts were personal and not subject to be split equally as they would be in a divorce.

I complied with parts of the settlement agreement that I had control over: community banking accounts, sale of the house, sale of the vehicle, the proceeds were split 50/50, I also met with _____ attorney assigned to mediate this agreement, but received no results.

It is my understanding that a bigamous marriage cannot be legally waived and there are no other options available under the Arizona Statutes, either party may file a civil case to try and receive additional benefits.

The Honorable _____ may not have been aware that this matter was a "bigamous marriage" and voided automatically by law. Judge _____ the original Judge declared the marriage as being null and void according to Arizona Statutes.

Since the settlement agreement, was breached by opposing attorney and there was no community property in the accounts there is nothing more to be split. Hopefully there will be no further action taken.