

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-197

Judge:

Complainants:

ORDER

The complainants alleged a superior court judge consulted with attorneys on their case about being an expert prior to being assigned the case, engaged in improper ex parte communications, was prejudiced against them, and made numerous improper rulings in a probate case.

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.

Commission members George Foster, Anna Mary Glaab, and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: February 5, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainants and the judge
on February 5, 2016.

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

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I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

See attached documents.

COMPLAINT AGAINST JUDGE

My name is _____, I, along with my family, am filing a formal complaint
 against Judge _____ and a demand for his immediate removal from _____ case
 based on ARS § 12-409 (B) for REMOVAL OF JUDGE _____ for:

1. Failure to disclose that he had been having conversations about our case regarding possibly being an expert witness, with _____ our former attorneys, "prior" to coming on this case as the judge. _____ should never have come onto this case. _____ discussed at length my case and details of my case with _____. (See _____ invoices)
2. Extremely unethical behavior, bias and prejudice.
3. Having ex-parte communications with court appointed _____ during and AFTER I was found to be competent by _____ had submitted his report to the court. _____ conspired with _____ and allowed _____ to "resign" so that he could attempt to "find a Dr. who would find me incompetent to handle my financial affairs" so that he could justify appointing _____ which is already _____
4. _____ has refused to comply with the laws and state statutes.
5. _____ has refused to follow the _____ that Arizona has adopted.
6. _____ has refused to give me due process of a _____ reports and the investigators report following the filing of two court appointed _____
7. _____ has ordered me and my attorneys not to disclose reports that show that I am competent and has chastised my _____ attorney, _____, for following the orders of _____ Judge _____ order to disclose the results of my evaluation which states that I am competent and capable of handling my finances.
8. _____ is illegally and unethically holding me a hostage and denying me my freedom when he has known for almost _____ that I have been found to be competent by two court appointed _____
9. _____ has failed to follow orders of previous judges.
10. _____ has allowed harassment and rude behavior towards me, my attorney and my family in open court. He has participated in insulting me in court.
11. _____ has failed to give hearings or time to respond to filings.

12. has had ex-parte communications with the petitioner's attorneys.

13. ~~has taken jurisdiction of my~~
the _____ when he has no jurisdiction in order to conspire to keep my money
from me.

14. _____ is allowing the invasion of my and my family's privacy, my financial information and my family's financial information which has proven that there has been no abuse of any kind.

15. [redacted] is protecting his buddy [redacted] by not allowing me my right to discovery in my case in [redacted] to remove my trustees but allowing [redacted] discovery in [redacted]

refused to allow my attorney, [redacted] discovery for my case to remove my [redacted] and quashed the subpoena for that discovery. The subpoenas were for [redacted]

16. is violating Federal HIPPA regulations and allowing adversarial parties access to my medical records when he knows that I am competent; those medical records were sent to and given to others to use to try to harm me.

17. [redacted] allowed [redacted] to keep my legal file from a former law firm I hired, [redacted]. This resulted in [redacted] sending the file to the [redacted]. I am trying to get off my [redacted] and to their attorneys. The attorney client privilege information was used by [redacted] in their filings in [redacted] and the [redacted] and their attorneys used the privileged information in the [redacted] court. This was extremely damaging due to the fact that the [redacted] and their attorneys constantly lie to the court and twist the truth to benefit themselves.

18. _____ refused to disqualify _____ for over _____ for their unethical and criminal actions against me and my family but continued to aid and abet their actions. This has cost me _____

19. "stayed" my case due to the _____ and further denied me my right to an immediate hearing and my freedom.

19. _____ has behaved viciously against me and my family with no explanation or justification.

20. knows that the hired and were paying
and are still directing the attorneys, he has allowed them to constantly lie to the court about
their involvement with parties.

21. knew that had used documents from a petition that by law should have been sealed by the court but allowed them to continue to use the "sealed"

documents, share the documents with the _____ and their attorneys who used those documents in court making them public record, to harm _____ did not order the documents to be properly sealed until _____ even though we brought it up several times. He allowed the documents that should have been sealed in _____ to remain public record causing me unrepairable harm both emotionally and financially.

22. _____ ruled that _____ that _____ and petitioners signed with the _____ and their attorneys did not pertain to "documents" that _____ had been sharing with the _____ parties against court orders in both states. Judge _____ had ruled that there was no _____ between the parties and he ordered them to turn over all shared documents and emails.

23. _____ refused to allow the _____ to withdraw from the case when _____ filed a Motion to Withdraw on _____ and in another filing. _____ has stated to _____ on the record several times that he shouldn't be on the case and that he has not found any financial abuse when he went through all of my _____ financial documents and my financial documents.

24. _____ has known from the beginning when he came on the case that _____ were conspiring with my _____ and their attorneys and he did nothing to stop the abuse of my _____ frivolous lawsuits against me or that _____ is being used for the

25. _____ was noticed that my sister _____ who _____ and signed a _____ in which she agreed NOT to sue _____, violated the _____ when she joined the _____ case. He did nothing to stop the violations or damage when asked to do so.

26. _____ was noticed by _____ that my _____ had testified in court in _____ that she was lied to by _____ about what the _____ case is about and that she would never agree to take my _____ away from me. He did nothing to stop the abuse and damage to me or my estate.

TOOK OATHES TO PROTECT, HE HAS NOT DONE SO.

_____ court case was filed by _____ who were hired in _____ by _____ in _____ who were using my _____ and my _____ without her knowledge or _____ permission while she was in _____ after _____ against me, _____ court case was filed by _____ for _____ and other _____ and also naming my _____ The _____ are asking the _____ court to _____ filed

what they knew were false allegations and lies against evidence to the court.

and presented no

To date there has been no evidence presented to the court; even after all of the "fishing" that were allowed to do

heard our who had arrested one of our attorney's, for refusing to disclose attorney client privilege. stated that he was going to recuse and that he would like to take over the case himself. He took over the case. He did not disclose to us that he had been having prior communications and emails with regarding our case and the possibility of being an expert witness on our case with regard to the recusal of We had hired as consultants. There are emails verifying that there were communications between on several occasions.

The bill from shows the communications and emails that were billed.

came into court with the day of the recusal hearing. He was to

said that, that she and her have known for over and that he would failed to disclose that they had several conversations with before he heard the recusal and then took over our case. should never have come on this case and should have disclosed that he had been having communications with about being a on an issue in our case.

A after was on our case, he issued a Minute Entry stating that he everything that had done! We were in disbelief. Right off the bat, he showed bias and prejudice and a lack of respect for the laws that he had

also states in his order that he is only on this case

Our attorneys had to file to get relief from the damage that had done and We The appeals court ruled What was the point of the recusal if was going to the violations that had committed? cost me more money to right his wrong.

I was evaluated by court appointed

The state statute states that the report "shall" be filed with the court by after the

_____ ordered that no one could contact _____ without a court order from the court yet he allowed _____ to contact _____ and send him tainting documents full of lies and did not find them in contempt or sanction them for violating his court order.

I requested a copy of the _____ be sent to _____ was told by _____ to file a letter with the court resigning AFTER he had already _____ stated in his order that _____ would not have to file the report with the court but it was already filed. (This is in the record) _____ was allowed to resign. The report was not given to any of my attorneys or to me. _____ refused to allow me or my attorney a copy of the report. This was a blatant cover up of the evidence that showed that I had been found to be competent.

Ex parte communications went between

"personal" email. There are several emails back and forth between them. We have copies of some of the emails. (See attachments)

Evidenced by _____ emails, he started trying to find another _____ to again _____ to help him find one. _____ told _____ that a _____ who would do that would be hard to find. This was NOT what the statutes allow when _____ was "fishing" for another _____ who would give him the report HE wanted in order to justify _____ All of my _____ The only _____ communications were a violation of the statute and were done to harm me.

_____ denied me a copy of the report and ordered _____ not to release a copy

As a result of what _____ did with _____, not only did he violate Canon 2 of the Judicial Code, but the entire proceeding has been ripped of any legitimacy. There is a dark cloud hanging over every aspect of the proceeding. Indeed, now that _____ decision immediately granting _____ request to resign (without our impute) is looked at in retrospect, even that decision becomes suspect....Query? Were there ex parte communications between _____ leading up to _____?

JUDGES CAN'T HAVE SECRET COMMUNICATIONS WITH EXPERTS AND GET THERE OWN SUBSTANTATIVE MATERIAL ON THE ULTIMATE ISSUE IN THE CASE. This is especially true when the Judge in question permitted the expert in question to withdraw over one of the parties' objection, _____ but the expert is still giving the court secret expert advice! If this conduct is found to be permissible, then the Judicial Canons of Ethics will themselves become a nullity!

_____ conspired with _____ to try to find _____ which is outside the required scope _____ per the statutes.

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**