

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-210

Complainant:	No. 1316210689A
Judge:	No. 1316210689B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issue raised is legal or appellate in nature, and the more appropriate remedy would have been to appeal the judge's decision to a court with proper jurisdiction.

The commission is not a court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: August 29, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on August 29, 2007.

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

Mr. Keith Stott —

AUG 09 2007
CJC-07-210

On [redacted], JUDGE [redacted] signed a consent Decree submitted by [redacted] (opposing counsel) that did not conform to the ADR agreement [redacted] entered on audio tape. In addition, the JUDGE also signed an ORDER for petitioner to pay respondent's attorney fees and visa card interest. The request was filed on [redacted] (I made [redacted] visa card payment on [redacted]). Request for visa card interest was made only if petitioner did not make payment. The ruling for attorney fees is based on the misinformation furnished by the attorneys (including ex-counsel [redacted]) that placed the blame on petitioner (accusing me of delay, lack of cooperation, refusal to execute document, etc.) At ADR, [redacted] agreed to draft the consent decree. Recently petitioner has been blamed for failing to timely submit Consent Decree by Judge [redacted] I wouldn't sign either draft produced by [redacted] due to the fact that neither conformed with the ADR agreement. I notified [redacted] on [redacted] of her mistakes and she suggested that I order ADR tape. After reviewing tape, I notified [redacted] that she needed to correct her mistakes. I offered to bring ADR tape to her but I never did get a reply. She withdrew [redacted].

On [redacted], I filed objection to MOTION filed by [redacted]. I requested that the JUDGE listen to ADR tape before ruling upon enforcement of rule 69 agreement, deny request for attorney fees and visa card interest, and to schedule a hearing. The court only responded to item #2. Due to misinformation / misunderstanding at the filing counter, the JUDGE was unaware of my objection until after she enforced rule 69 agreement on [redacted]. How can the court enforce rule 69 agreement if the court doesn't know what that agreement was (attorneys provided misinformation to the JUDGE due to their failure to listen to the evidence)? In a recent phone call to [redacted], she said that JUDGES don't listen to ADR tapes - that's up to the attorneys. If JUDGES are above listening to ADR tapes (evidence), it seems that they should order the attorneys to do so. In word, Judge [redacted] gave me the benefit of the doubt concerning filing counter mishap but there is no evidence (by her actions) that she has taken my argument into consideration. All of the rulings have been in favor of respondent and against petitioner. The only way I can get any justice is to admit the evidence (ADR tape) which will explain clearly that I am not the cause of delay. Most of the blame falls upon ex counsel [redacted]

In JUDGEMENT dated [redacted], JUDGE [redacted] states that there is no basis for the COURT to order reimbursement of attorney fees (for petitioner). I say that there is no basis for the COURT ordering petitioner to pay respondent's attorney fees. Again, the cause for delay is due to the ignorance of the attorneys and respondent (their failure and/or refusal to listen to the ADR tape). What is the purpose of recording a binding agreement if no one is willing to listen to it? Opposing counsel and respondent naturally don't want to listen to tape because the COURT has given them a better deal (based on misinformation / poor memory).

It is wrong to punish me for pursuing the truth and to reward those who cover up the truth. In a ruling dated [redacted], Judge pro tem [redacted] accepted a filed document from respondent despite the fact that she has an attorney [redacted]. [redacted] states that "the COURT agrees with Respondent that the pleadings of Petitioner are in the nature of harassment." There is no accusation of harassment from respondent whatsoever. I did not reply to Respondent's response. Previously, I have made it known to the COURT that we should be responsible for our own attorney fees.

In order to conform with ADR binding agreement, the necessary corrections should be made:

- 1) effective date of spousal maintenance
a) [] mo. changed from []
- 2) duration of spousal maintenance changed from 1 year to (until respondent reaches age 65) [] order of assignment should be changed also to include end date -
- 3) Husband maintaining medical insurance for wife for nine [] years or until Respondent is eligible for Medicare should be corrected to until the respondent reaches age 65 -

I've already paid out nearly [] on attorney fees; I've filed documents responding to opposing counsel (self-representation); I've asked everyone involved to listen to the evidence - I've done all I can do! I won't stop until someone listens to the tape. I know that the court may punish me further with unwarranted penalties if they continue to believe the misinformation. This case has spiraled out of control due to ignoring the evidence. I can't accept anyone blaming me for their mistakes -

Thank you!