

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-003

Complainant: No. 1325510098A

Judge: No. 1325510098B

AMENDED ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. Therefore, the complaint is dismissed pursuant to Rule 16(a).

Dated: March 27, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on March 27, 2008.

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

I am writing to document my complaint about the conduct and process administered by

I believe that the court records demonstrate that chose to ignore or not consider evidence and appropriate requests presented to the Court or did not require or perform the necessary discovery to validate significant allegations and information prior to making his determinations regarding specific significant violations of the Guardian's Contract with the Superior Court.

The determinations resulted in significant abuse of the ward, waste of ward assets and negative consequences to all involved. The process conducted by did not discover or fairly consider all evidence and information provided to the Court. I believe that this conduct represents a serious breach of his Office and responsibilities to assure that the welfare of the Wards of the Court are optimized and that his conduct constitutes an arrogant and disrespectful abuse of authority.

I believe that many professionals who have had the need to work with Judge share my perspectives. I invite you to interview Certified Fiduciary; , we hired to support the family's Guardian successor-ship and my/my sister's former Attorney,

Although brought to the Court's attention by my filings with the Court, at no time did ever formally discuss, sanction or require the Guardian/Conservator (GC) to respond to my allegations of inappropriate GC conduct. Specifically, their failure to act pursuant to their contract with the Court to optimize the welfare of the ward by remedying unhealthy living conditions, the prevalent and extensive existence of human feces and sewage at the ward's home; and avoid waste of ward assets by the GC. The Ward was an older person, not in good health; the disgusting living conditions subjected the Ward to serious, potentially fatal disease and illness.

In my filings I provided evidence or information, including photos, that if considered should have resulted in the Court requiring to respond or remedy the circumstances cited.

failed to conduct, or require the conduct of, the appropriate discovery to conclude that my and other family advocate's correspondence with was indeed appropriate and necessary to assure the welfare of the ward, not 'interference' as alleged, and that the Request for Instructions by was frivolous. This misconduct resulted in significant waste of Ward assets and continued exposure to dangerous conditions. Although the remedy of Ward living conditions by myself and family advocates were ultimately determined to be necessary as evidenced by the Guardian's implementation of the requested remedies within a few weeks of contact by Adult protective Services, and that the required/requested work cost only \$1200 to perform, allowed the frivolous 'lawyering' that resulted in legal expenses charged to my father's estate by the GC in an amount of almost \$20,000; said charges were also approved by without comment as part of the GC's Final Accounting.

This is a specific violation of the contract between the Court and GC which clearly stipulates that the Ward's Assets be used for the "DIRECT" benefit of the Ward.

In I requested Adult Protective Services to review my father's living conditions. They subsequently determined that the repairs requested by myself and family advocates were necessary and subsequently and quickly complied. also subsequently agreed that they had committed a misdemeanor violation of Registrar of Contractor Statutes regarding the use of an unlicensed contractor to perform the necessary work.

In this case it is apparent that conducts no monitoring of GC compliance with the Courts contract and responds harshly to, threatens incarceration of, advocates who attempt to inform the Court of contractual violations. also failed to act to prevent significant waste of ward assets.

I note at this time that prior conduct, his failure to fairly discover and consider all information required to make just determinations, and considering that further litigation would likely add to Ward expenses without benefit and delay or result in rejection of the family's then current petition for GC Successorship, made it impractical to contest the UNNECESSARY and avoidable legal fee charges at time of GC Final Accounting. Judge aggressive and negative response to family advocates, *pro pers*, is equivalent to whistle-blower retaliation which is contrary to the development of fair and open determinations and the provision of justice to all parties, especially incapacitated Wards.

Most families do not possess the capacity or finances to hire expensive lawyers and to conduct lengthy litigation. Relative to other types of law, to achieve the general objectives of Probate law, I believe that the Office of Judge requires that the incumbent exercise an unusual and additional amount of guidance, diligence, consideration and compassion in the conduct of their hearings. conduct clearly indicates that he is not interested in accepting those responsibilities and should be sanctioned, given discipline and not be allowed to serve.

I believe that you should act to discourage future similar conduct by and future Probate judges.

I appreciate this opportunity to inform you of an opportunity to improve the Court's provision of justice and achievement of your general objectives. Considering past negative and disrespectful treatment of me, I am concerned about the potential for retaliatory actions so as possible I would appreciate it if you could limit his knowledge of my identity re this complaint; redact my name from all documentation provided to

Please feel free to contact me should you require further discussion or information.

Sincerely,