

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-332

Complainant: No. 1380110760A

Judge: No. 1380110760B

ORDER

The complainant alleged a superior court judge was biased, issued improper rulings, and lied to justify a ruling. The commission reviewed the complaint and found no evidence of ethical misconduct on the part of the judge. The issues raised are legal or appellate in nature, and a more appropriate remedy would have been to file an appeal. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 16, 2010

FOR THE COMMISSION

 \s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 16, 2010.

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

I have read and understand the requirements for the Arizona Commission on Judicial Conduct. I have reviewed the Code of Judicial Conduct and all 4 principles. In court records, I am described as an auto mechanic with a high school education so I have sifted the following words through a thesaurus to determine other words that describe "impropriety", "impartiality" and "competently" in this case.

- #1 of the Code of Conduct uses impropriety which is synonymous with inappropriateness.
- #1 of the Code of Conduct uses impartiality which is synonymous with fairness.
- #2 of the Code of Conduct uses competently which is synonymous with qualified and proficient.

Brief synopsis of each complaint, support facts and data below.

Issue #1, violation of section #1 & #2 (impartiality) of the Code of Judicial Conduct.

held a settlement conference or mediation and spent 7.5+ hours with one party and 15-20 minutes with the other. How can that be considered impartial or fair?

Is it appropriate for [redacted] to attempt to mediate away, criminal charges between the suspect and the person reporting the crime, when the criminal charges have been validated and set for a hearing?

Issue #2, violation of section #2 (competently) of the Code of Judicial Conduct.

reduced my Fiduciary hours and my requested fees by 71%. ALL of my entries on my time logs and tables, were supported by attorney billings which showed all of our efforts to reply to more than 130 motions.

Is that fair to make a 71% deduction with no work product, no redlined tables, no explanation, without reason or documentation or any evidence that showed fraud or deceit. My fiduciary log had 209 lines or rows and my "clerical" log had 45 lines or rows. How many of the 254 lines, did [redacted] have to redline to come to achieve an overall 71% deduction of my fees?

Issue #3, violation of section #1 & #2 of the Code of Judicial Conduct.

orders me (PR, Trustee) to order an appraisal of home in the estate.

orders me to hire his friend as the responsible selling agent,

orders me to drop my price on the home every 30 days or so, until it is sold.

It is fair to wonder why the trust paid for an appraisal if [redacted] was going to order the trust to fire sale this home?

Does [redacted] have the authority or the qualifications to order me to fire sale this house?

Does [redacted] have the authority or the qualifications to dictate the terms and price of this home?

What if the public knew of this order, would this benefit them if they were interested in purchasing this home?

Issue #4, violation of section #2 (competently and fair) of the Code of Judicial Conduct.

The Trust makes it's first motion. Hess refuses to allow the Trust to repurchase stolen cremains of our Mothers Husband and fines me personally \$7700.

The Trust makes a second motion asking to surcharge the Petitioners some portion of the \$280k+ in legal fees directly caused by their caused by their 130+ motions. said no.

How it is fair that I am surcharged \$7700 for my single motion and and have yet to win a motion, yet says they don't have to pay a dime of the more than \$280k in legal fees because he see nothing frivolous, unnecessary and groundless?

Issue #5, violation of section #1 (integrity) of the Code of Judicial Conduct.

102209 writes, "...all parties agree that the home should be sold immediately".

I am incapable of writing that he is mistaken or uninformed. I only know how to say this one way, he is a liar. Of course, he may have a different description of "all parties". That may mean him and the petitioners.

and the Trust's legal staff all deny that 1) anyone of us said this, 2) anyone of us agreed with this, 3) anyone of us shook out heads to this or 4) we were involved in any conversation about this issue.

This is nothing more than making up a lie to justify his order for me to drop the price every 30 days until I sell the home. He created a bogus emergency to explain his unlawful ruling.

Therefore, I challenge to provide proof this was agreed to by any member of our team.