

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-036

Complainant: No. 1411510912A

Judge: No. 1411510912B

ORDER

This complaint has been pending since February, 2011, and during that time a probate case has been pending in the state superior court, which was filed on the basis of the same allegations presented to the commission. The probate proceedings are not anticipated to conclude until mid-2012 and it is the commission's general practice to allow such parallel court proceedings to conclude before commencing an investigation that would simply duplicate efforts. The commission thus dismissed this complaint as untimely with the understanding that the complainants may choose to re-file it at a later date once the probate matter has concluded.

Dated: January 25, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on January 25, 2012.

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

COMPLAINT AGAINST A JUDGE

January 29, 2011

Filing Complaint:

Complaint Against: Magistrate Judge

We feel that _____ actions, in regards to his administration of Polly trust; could be in violation of more than just trust laws.

_____ who was Justice of the Peace for _____ Arizona, was in a head on car crash in Scottsdale in 1999. As results of this crash she was forced to resign her position. Her _____ was appointed to fill her position as Justice of the Peace and he still maintains this position.

In December of 2000 _____ executed a trust agreement jointly with her husband. A bill of sale was created indicating that _____ wishes were to put her properties and assets into the family trust and to be distributed according to its terms. _____ was appointed trustee to administrate the trust.

_____ died March of 2008. Until probate we did not know there wasn't anything in the trust, instead her assets were put in _____ and _____ name.

We retained Dana Law Firm September 2008 to represent us in a law suit against _____ for adult vulnerability. To this date we have not received accountability from that brings us to a level of comfort.

Our first hearing was before Commissioner Ellis September 2009. She appointed J.Polk (DeConcini McDonald Yetwin & Lacy, P.C.) as special administrator to evaluate the evidence. It was ordered that we do the investigation and Mr. Polk was going to do an evaluation of the results. _____ has retained Bob Barlow as council and _____ is denying any wrong doing.

When Commissioner Ellis retired, our case (PB2008-_____) was assigned to Commissioner Cunanan. We have appeared twice in front of Commissioner Cunanan, May 18, 2010 and on December 3, 2010 when _____ was called as a witness.

Verified Amended Petition filed October 2010

Count One (Undue Influence of _____ and _____)

Count Two (Presumption of Invalidity as to Deeds, Joint Ownership Designation on Bank Accounts, and Other Non-Probate Transfers)

COMPLAINT AGAINST A JUDGE

January 29, 2011

Filing Complaint:

Complaint Against: Magistrate Judge

Count Three (Incapacity of _____ and _____)

Count Four (Fraud) _____ signature appears to have been forged on checks and other documents.

Count Five (Conversion)

Count Six (Breach of Trust and Fiduciary Duties)

Count Seven (Mistake of Fact)

Our case is continuing and our lawyers are working on completing our discovery. As soon as the investigation is complete, it will then go to the special administrator J. Polk.