

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-299

Complainant: No. 1455210937A

Judge: No. 1455210937B

ORDER

The complainant alleged that a superior court judge was biased and improperly gave legal advice.

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.

After reviewing the information provided by the complainant and the recordings in the underlying case, 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.

Dated: January 25, 2013.

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, 2013.

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

November 4, 2012

To: State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

Honorable Judges:

This letter is in regards to a travesty in court hearings of a custody case between _____ and _____ on, Sept. 7, 2012. For the following reasons, Judge _____ (give date) has violated the following Canons of Judicial Ethics:

- 1) Canon 3(B) (4) – “A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers. . . .;”
- 2) Canon 3(B) (7) – “A judge shall accord to every person who has a legal interest in a proceedings, or that person’s lawyer, the right to be heard according to the law. . . .;”
- 3) Canon 3(B)(8) – “A judge shall dispose of all judicial matters. . . . fairly.”

Judicial Ethics #1 and 3-The Court hearing on September 7, 2012, ended with a violent incident outside the double doors of court room 5, fifth floor, of Judge _____ of the Superior Court. There were steps leading to the incident. Mr. Leighton Clark, (a disbarred attorney and live in boy friend/roommate of _____), verbally attacked my son, _____ and would had physically hurt my son had I not stood in front of Mr. Clark. Mr. Clark has not only twisted the incident in his letter to Judge _____ stating vicious lies about the incident but has also sent thoughtless, unkind, rude e-mails to our house, and harassing phone calls, along with his past business partner: Michael Coultrap, who now runs a child visitation business, has joined in to harass my entire family and verbally attacked my son and us in letters and phone calls. As if this was not enough, The Honorable Judge _____ adding to the problem, not only influenced by them but also allowed Miss _____ to drag my wife and me into her custody case of which we have no part.

Judicial Ethics # 3 and 5- Openly the judge has given legal advice from the bench to Miss _____. He constantly tells Miss _____ what to do and how to do it. When Mr. Goldfarb’s office submitted a motion to the court to stop Miss _____ from submitting frivolous motions just to cause _____ attorney’s fees to go up, the judge tells Miss _____ “You are going to file a motion if you don’t like something, aren’t you?”

Judicial Ethics 1, 2, and 3-Judge _____ deliberately put my wife in danger. Miss _____ stated to Judge _____ that my wife could supervise the visitation to see her child, the judge turns to my son and asked: “Why not?” Ignoring the court exhibits given to him which include how, Miss _____ has physically and verbally attacked my wife in the past. The judge attempted to coerce my son to pick pocket our finances as well. Miss _____ asked the judge that _____ give her the name of my car insurance so she could collect for the car she stole from us when living with us, driving 72 miles on a 35 mile limit driving over a hill, and carrying with her prescription drugs of opium base and heavily addicted drugs according to sheriff A.J. Jackson, on Oct. 31, 2011 after 10:00 PM. She

totaled our car, after I had told her repeatedly many times before she was never to drive our cars. Judge demanded from [redacted] to give her the information. (This information has been part of the court exhibits.) Jr. told the judge: "Why don't you ask my dad, it's his insurance, he is sitting over there, (pointing to the witness benches). Judge [redacted] then discontinued the demand. The judge has failed to uphold his own court orders by ignoring them. Miss [redacted] has never complied with court orders. The reason for his court orders was because Miss [redacted] had been involved in illegal drug use, prostitution, and theft, which puts the infant child in danger. In 2011 and 2012 she has tested positive for math, caught stealing, caught with illegal drugs by Scottsdale police, and told my son she has contact with drug dealers, (perhaps trying to scare him). You can check the court orders and all the information collected by Mr. Goldfarb's law firm. The judge has attempted to arbitrarily undo his own court orders, with no legal explanation. He says: "Let us move forward and forget the past." The judge has allowed Miss [redacted] to scream and curse in court, at an officer of the court, Mr. Goldfarb and to his client. She constantly disrupts court proceedings, screams, interrupts Mr. Goldfarb while he speaks and engages in argument while the attorney is trying to speak. Judge [redacted] does nothing to stop her behavior nor holds Miss [redacted] in contempt. Instead, Judge [redacted] screams at attorney Goldfarb, not allowing him to speak and blaming him for all the delays in court that Miss [redacted] and the judge have caused, with constant long winded explanations and advice to her.

Judicial Ethics # 3, 2, and 1- In spite of all the evidence presented to the judge for the past two years I am disturbed by how the Honorable Judge [redacted] concluded the hearing on Sept. 7, 2012, turning to Miss [redacted] he says: "I regret what I have done. There are mechanics that do not allow an infant child to leave Arizona to Iowa but I will see what I can do. I will see that you have unsupervised visitation and joint custody." (Miss [redacted] has never complied with his court orders as it has been stipulated in court documents as a guide line for her to gain more privileges with her daughter in a safe environment for the child). In this manner the judge has denied to uphold the integrity of the court by ignoring his own court decrees and pretending they don't exist. The judge has encouraged Miss [redacted] not to comply with court orders. She lies to the judge in court without been questioned if what she says is true. She kept my son's attorney and everyone else in the dark for three months as to where she resided, telling the judge she had moved back to Iowa and was living there, from the month of May through the month of August. Yet Mr. Clark sent a letter to Judge [redacted] in October stating [redacted] had been living with him through the entire summer. On one particular motion Clark signs a motion for Miss [redacted] as her attorney. "Mr. Goldfarb barely begins to speak when Judge [redacted] stops him and says: "I don't want to hear it," in this manner cutting him off, not allowing Mr. Goldfarb to continue, then stops and turns his attention to her.

Judicial Ethics 1, 2, and 3- My wife and I are both retired. I am 68 years old. I am a Vietnam Veteran. I have been a minister for 45 years and I am an ordained minister. My wife and I have nothing to do with this child custody case, only doing what we need to do, doing it for love of our grand-daughter. My wife and I have been dragged from our home near [redacted] to Tempe, than to Mesa until our only car broke down, when all along Miss [redacted] refused to have supervise visitation in down town Phoenix, which would had been closer to her and us. We are called evil people and uncooperative without proof to substantiate. They call us violent people yet, in this year, 2012 the police in Scottsdale, AZ. took Mr. Clark and Miss [redacted] to jail on a domestic violence charge, where she held the police at bay holding a piece of broken glass to her throat threatening to kill herself before being taken.

Judicial Ethics #2-The Judge has pre-judge us by the letters of hatred written about us without knowing us by not allowing Mr. Goldfarb to speak. On Sept., 2012 we allowed [redacted] to have a supervised visit with her daughter in our home, supervised by Miss Sanchez, in light of all the wrong she has done to us. That day, I brought them both,

(and Miss Sanchez) a cold bottle of water and a cold coke, and we are called evil people. Judge said: "My thinking has been tint by this letter".

Judicial Ethics 1, 2, and 3-Judge states that his thinking has been tinted towards Mr. (my son, but his look towards me as I sat quietly in court and never having said a word), he said enough. What has occurred in this case is a travesty by Judge Not only has he shown partiality in these proceedings but his actions have caused irreparable damage to my family's finances, emotional stress, and placed us in physical danger, while encouraging Ms. and others to verbally and physically abuse us in Court and outside of it. Miss harasses our son on a weekly basis because judge has led her to believe that he was going to help her and she refuses to pay child support. It is disheartening to see when a judge treats lightly his own decree, deals with bias, his actions become detrimental to our country's judicial system, our country's basic way of life, what we stand for, and undermines what millions of Americans have died for. Also, we all know, placing a child in danger or safety falls solely on the responsibility of the judge presiding.

Judicial Ethics #2 and other possible judicial Ethics - Leighton Clark, (the disbar attorney), Michael Coultrap, (a past employee of Clark, who ran a night club and now a custody supervised business), and others who have dared to interfere into a custody battle of which they have no legal right, and Judge has allowed them a part. On the above said date, Sept. 7, 2012, Mr. Clark walks out first through the double doors facing the court room, and holding the south side door of the second double doors facing the hallway. I walked out second. Clark held the door for me, (Father), as he stood against the door, walking by Mr. Clark I stopped 3 feet from him and turned to face him directly. Mr. Goldfarb walks out behind me and stopped about six feet away behind Mr. Clark. As was walking out the first set of double doors behind Mr. Goldfarb, Clark allowed Mr. Goldfarb to pass, but immediately shifted position, from standing beside the opened south side door, (of the double doors facing the hallway) towards the middle of the outside double doors, leaning his body forward, stretched his left arm and with his left hand, slightly above head, held the door open, chuckling and mumbling, narrowed exit. Clark placed his nose within an inch of face. I was then standing within 3 feet between Clark and my son, when Clark said to "you don't know when to shut-up ". was startled and shocked as he looked up at Clark, jumped back, almost dropping his back pack with its strap hanging from his right shoulder coming off, Clark pushed forward again. took another small step back and grabbed his backpack to avoid dropping it and asked Clark: "what, do you want to hit me?" Mr. Goldfarb was about 6 feet behind and said "No I was then standing, 2 feet between Clark and Clark's demeanor at that point was anger in his face, his eyes looked violent, as if ready to hit him, moved towards again and said: "do you want me to hit you?" I immediately jumped in front of Clark and pushed back, out of Clark's reach feeling Clark's hot breath on the back of my neck, thinking I was going to be hit or pushed from behind.

David Goldfarb then putting his hand on the same door, now shut, said to "do you want me to call security?" replied: "No, let him go". I then spoke up firmly: "No! Call the sheriff now! Wait, I'll go call them: "and turned to head towards the elevators, Clark, now to my right, about three feet from me, with a scared look on his face immediately started running down the long hall way going south passed the adjacent hallway in front of the elevators as seeking a place to hide and disappear. Mr. Goldfarb then said: "don't worry; I am going to write a letter to the court about this". As we were standing in front of the elevators waiting for the doors to open, then walks into plain view of our sight, at the adjoined hallway adjacent to the elevators, facing the long hallway running south, picked up her forearms, and said to someone there, (presumably to Clark

hiding out of our sight), in a clear audible voice: "What happened? "The elevator doors then opened and Jr, David Goldfarb and I entered into the elevator going down.

Judge has specifically violated the following Canons of Judicial Ethics as well as other Judicial Ethics:

- 1) Canon 3(B) (4) – "A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers. . . .;"
- 2) Canon 3(B)(7) – "A judge shall accord to every person who has a legal interest in a proceedings, or that person's lawyer, the right to be heard according to the law. . . .;"
- 3) Canon 3(B)(8) – "A judge shall dispose of all judicial matters. . . . fairly."

Mr. Clark states in his letter that he hopes that there is video but I believe he must feel that he got away with it being that he is a disbarred attorney but should there be video I know that you would be able to see clearly what transpired that day.

Respectively Yours,