

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-027

Judge:	No. 189810345A
Complainant:	No. 189810345B

ORDER

The complainants alleged that a superior court judge improperly failed to report a lawyer for professional misconduct despite having actual knowledge of the misconduct.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge a private advisory letter regarding the need for clarity in minute entry orders related to recusal. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: May 31, 2013.

FOR THE COMMISSION

/s/ Frank Louis Dominguez

Frank Louis Dominguez
Commission Chair

Copies of this order were mailed to the complainants and the judge on May 31, 2013.

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

2013-027

FEB 15 2013

February 14, 2013

Commission on Judicial Conduct
1501 W. Washington Street #229
Phoenix, Arizona 85007

State Bar of Arizona
4201 N. 24th Street, Suite 200
Phoenix, Arizona 85016-6288

Re: Ethics Complaint Against

Greetings:

This is an ethics complaint against both the lawyer who is representing our opponent and the judge currently presiding over our case. Our former lawyer, _____, has helped us draft this. _____ has twice been sanctioned for "bad faith" litigation tactics, first by Federal Judge _____ in Phoenix on October 3rd, 1997 for what he found to be "evil" conduct. (Exhibit 1) It was affirmed on appeal. (8/8/2000) Next, federal judge _____ in _____ judged that _____ suborned perjury of his client on 05/02/2001 (EXHIBIT 2) and it too was affirmed on appeal. The State Bar entered _____ in its diversion program twice, but he continues to litigate in bad faith by lying to and intentionally misleading the courts. _____ should be disbarred.

But this time the court before which _____ unethical conduct has occurred has turned a blind eye toward it and essentially condoned it. We believe it is judicial misconduct to ignore unethical litigation tactics and thereby sanction and encourage it. Both as a lawyer and a judge, _____ has an ethical obligation to report and ferret out unethical behavior and he declined to do so. Here are the sequence and documents demonstrating unethical conduct of both

1. _____ lied and told the trial court on these date(s) that he had recorded the following documents with the Pinal County Recorder:

2. On October 22, 2012 we informed [redacted] of these material, false representations (exhibit 4), supported our claim with an affidavit (exhibit 5) and asked [redacted] to [1] compel [redacted] to controvert the affidavit (which, of course, he cannot do), [2] or confess his unethical behavior and [3] impose sanctions.

3. [redacted] responsive pleading did attempt to distinguish one of the three instances of our accusation that he lied, simply ignored the other two, filed no controverting affidavit (he couldn't, because he lied) and did not produce the recorded documents (again, he couldn't, because he earlier lied in claiming he had recorded them). As to the one false claim he tried to justify, [redacted] accused us of misrepresenting and attributing a finding of [redacted] to him, but the truth is that judge [redacted] made an incorrect finding based on [redacted] lies (exhibit 6) and [redacted] cited this finding in a pleading (exhibit 7), knowing Judge [redacted] finding (exhibit 6) was based on his false representations.

4. On January 30, 2013, [redacted] held a hearing in this case in which he ignored our request to address this continuing unethical and bad faith litigation conduct, our request to make [redacted] prove he did not lie to the court as we accused him in our supporting affidavit. But during a 2 & 1/4 hour hearing, the judge ignored the issue, thereby encouraging unethical behavior and breaching his own duty, both as a lawyer and a judge, to report and deter unethical behavior.

We certainly appreciate the obvious curiosity that it is unusual to file an ethics complaint against a judge overseeing our case, but after 27 years of repeatedly being cheated by [redacted] and the failure of earlier court and State Bar sanctions to stop [redacted] ongoing unethical bad faith litigation behavior, we are no longer willing to endure a system of justice that not only tolerates unethical lawyer conduct, but, unwittingly or otherwise, actually encourages it.

After already twice being sanctioned by judges for unethical litigation tactics, after twice being confronted for his unethical behavior by the State Bar, [redacted] has yet again been caught conducting himself unethically when he lied to the court about recording documents that he had not recorded. He also conducted himself unethically when he cited [redacted] minute entry that mistakenly accepted as true [redacted] false recording claims. Even worse, [redacted] conducted himself unethically when he failed to address, but rather simply turned a blind eye toward [redacted] unethical recording claims. Our assertion that [redacted] lied when he represented that he had recorded documents was supported by an affidavit that not only stands un-controverted but for which the time to challenge it has passed.

We respectfully ask for help. Something must be done to stop [redacted] from cheating us. And when a Superior Court judge tolerates unethical conduct, he too must be sanctioned. The unethical conduct here complained of must be stopped unless the judicial system, similar to what we see with the U. S. Congress, is to be accepted as broken.