

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-319

Judge:	No. 1097614820A
Complainant:	No. 1097614820B

ORDER

The complainant alleged that a superior court judge was intimidating, biased, and had a conflict of interest.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 12, 2014.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 12, 2014.

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

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

FOR OFFICE USE ONLY

2013 319

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name _____ Date: _____

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

See attached

- 1) Conflict of interest*
- 2) Bias in rulings*
- 3) Intimidating conduct.*

(Attach additional sheets as needed)

State of Arizona
 Commission on Judicial Conduct
 1501 W. Washington St. Ste. 229
 Phoenix, AZ 85007

Dear Commission on Judicial Conduct:

I am writing to express my concerns regarding the Honorable _____ who was assigned my case _____ at the summer _____ judicial rotation.

For specific reasons below a Motion for a New Judge has been filed with the Court. For the same reasons, I feel it my duty to file this complaint as Judge _____ behavior brings into question the legitimacy and fairness of the Court for which he serves. As a public servant, I too have taken the oath to avoid even the appearance of impropriety. The Duty of Proper disclosure is of upmost importance for a Judge.

The purpose of this complaint is to bring Judge _____ behavior before the Commission so that the Commission can preserve the public trust in the Judicial system. Upon careful review, the commission will agree that Judge _____ behavior, temperament, and rulings casts serious doubts on the fairness and impartiality of the judicial system that he represents.

Background

Judge _____ following the summer _____ rotation, immediately ordered an evidentiary hearing on _____ to "determine why the decree as entered should not be lodged and why the case should not be dismissed" Within minutes of entering the courtroom he began scolding me, self represented, because the case has taken so long to complete. He was rude and intimidating. He then turned very nicely to the opposing party's attorney referred to her as an "officer of the Court" and allowed her to speak. This told me he is biased and that a self-represented litigant has no rights in his Court. Judge _____ would not let me speak, and when I did speak, Judge _____ allowed the opposing party's attorney to interrupt me, and then challenged me by giving me 15 minutes to prove what is contained within hundreds of pages of documents. When I met the challenge, Judge _____ yelled at me, upset that the challenge was met. Bizarre describes the Trial of _____ Punitive describes the Minute entry of _____ that followed the Evidentiary Hearing.

He did not show any compassion or any indication that he read my pleadings that were all filed on time. He ignored material pled costing me thousands of dollars. Judge stated that he would not look at my timely provided exhibits. He at no time addressed my objections to the opposing party's late filing of exhibits and disclosure of witnesses. Judge overbearing demeanor was that of a tyrant drunk with power.

The resulting order of gave me 3 days over a weekend to vacate my home of years, ordering me out of the house by . The order was issued on a Friday afternoon. I incurred substantial loss off property in attempt to comply with this order.

The Order of is slanderous as it states that I trashed the marital home yet there is no evidence on file. In fact, the final report on the record from the real estate commissioner clearly states the home was "delivered in good condition with a green pool" (see letter filed This order contains assumptions and fabrication of facts of the condition of the marital home by Judge who exaggerated statements made at the trial.

The Lodged Decree

The Lodged decree is a windfall for Mother. Motion to correct has been filed. As can be seen in my Filing of **"Motion for Release of Funds Held in Escrow and Supplement to Motion for Compliance Filed** ' There is as much as , not in dispute, being withheld from me for no legal reason. The Minute entry dated is further evidence of Judge unexplainable methods. The Judge goes on to direct as a possibility that my monies go directly to pay a Master from the firm Judge was a shareholder Litigant for years. This is America, and it is entirely my option to decide if I wish to pay the master or suffer the consequences. These are monies are well above any disputed amount being held in escrow. Judge has stolen the holidays from my children and me as he has issued orders preventing me from obtaining release of my funds above the disputed amount. This is a cold and heartless Judicial officer acting in a mean and punitive manner. Judge is abusing his powers by writing orders that circumvent the underlying Motion filed by me to release my funds. Judge has the facts and figures. Judge can do math. Judge refuses to be fair.

Fairness and Zion's Debt

Within the Minute Entry, Judge fines Father for filing a Motion after his check is garnished for the entire debt of even after the debt was to be split per agreements. Mother agreed to address her half of the debt, and by simply by doing nothing, Father is garnished per month for the entire amount. Father files Motion for compliance so that Mother addresses her half of the debt and Judge , without response from Mother fines Father for raising the issue. These orders and fines against me add insult to injury as real harm is occurring to me. Within his orders he makes excuses for Mother stating until her half begins to be garnished from my wages, I can do nothing.

Conflict of interest and the Master

Most Disturbing of all is Judge [redacted] appointment of Special Master of [redacted]. Judge [redacted] worked there [redacted] years ago as a Partner. Judge [redacted] set the maximum fee at [redacted] per hour. This constitutes a giant abuse of power. The conflict of interest is obvious. There are many more Masters that can be selected from of which he has no association.

JUDGE [redacted] HAD A DUTY TO DISCLOSE THIS RELATIONSHIP WITH THE MASTER OF [redacted]

EVEN WORSE

CONTRACT FROM MASTER [redacted] STATES "WE HAVE FOUND NO APPARENT CONFLICTS RELATIVE TO THIS REPRESENTATION"

I disagree. The working relationship between Judge and Master is a conflict of interest. Ignoring the Duty to Disclose, and stating otherwise is a serious issue that Judicial Commission will need to address.

Facts regarding the Appointment of Master [redacted] of [redacted]

- 1) Judge [redacted] was a Litigation Shareholder with [redacted] from [redacted]
- 2) Appointed Special Master [redacted] is an active Litigation Shareholder with [redacted] from [redacted] to present.
- 3) Judge [redacted] and Special Master [redacted] were employed at [redacted] at the same time for [redacted] years, from [redacted]
- 4) Judge [redacted] left [redacted] less than [redacted] years ago
- 5) Judge [redacted] obligates Father to file Motion For Master or loose [redacted]
- 6) Judge [redacted] Sends Court documents to Master [redacted] although Father has yet to sign contract or accept appointment. (minute entry [redacted])
- 7) The retainer for Master [redacted] corporate attorney is [redacted] at [redacted]
- 8) A CPA, better suited to address expenditures costs [redacted] hr [redacted]

Judge _____ did not stop after appointing a Special Master that constitutes a conflict of interest. Judge _____ ignored his Duty to Disclose. Judge _____ on his own Motion _____ transfers exhibits and documents to the Master although there is no contract in place. This is a Judge that has his own agenda as can be seen within his actions, temperament, orders and poor case administration. Such behavior raises the question: **"Is this indicative of the Family Court as a whole or is this a single Judge who is not conforming to Judicial standards of the court?"** Judicial standards and rules are already in place to address such injustice.

Administration of Proceedings and Temperament

Judge _____ is mean, uncompassionate and vindictive. Even the layperson can see that he is sneaky and his Orders _____ such as giving me _____ days to move out are an abuse of the authority granted to him. The judge attempts to intimidate and does not show the qualities of caring, compassion, or understanding. I strongly urge a review of his methods and minute entries within this case.

Judge _____ lacks the patience and composure to sit on the bench for _____ Court. The Judge uses his authority to materially harm me as can be seen by the orders Judge _____ has issued.

Judge _____ fails to read my pleadings and at the hearing of _____ it is obvious that Judge _____ only objective is to obligate me to contract with his previous law firm, _____ by forcing the issue of a special master upon me.

Judge _____ shows favoritism for attorneys and disapproval for Father because he is self-represented in the Court Room. He was unfair as he gave the attorney all the time to speak and allowed the attorney for the opposing party to continuously interrupt me. This conduct prevented me the equal opportunity to be heard.

I urge review of the cited minute entries as well as the recording of _____. I am sure the Commission will be in shock when they hear how the trial was conducted.

I am afraid to enter his Court as I feel I will be treated as less than human again and punished for being self-represented.

Sincerely