

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-310

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge facilitated and assisted an attorney in pursuing and obtaining a judgment on a frivolous claim.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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: October 29, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 29, 2014.

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

GENERAL INFORMATION

(Defendant)

(2<sup>nd</sup> Defendant)

Both court hearings on the same issue, same parties, and same real estate.

(1<sup>st</sup> hearing & Ruling)

(2<sup>nd</sup> hearing & Ruling)

Witnesses in (1<sup>st</sup> hearing & Ruling)

Witnesses in (2<sup>nd</sup> hearing & 2<sup>nd</sup> Ruling)

(NOT Allowed)

was not allowed to testify. Judge

AND claimed testimony was hearsay.

(see court transcript Pg. 74 and 75) It was proven to Judge

that was included in the exception of law. She was

listed as a witness well in advance of the deadline. Also Judge

approved to testify when filed a Motion

in Judge had an emergency and Judge took his

place.

**Complaint and Misconduct**

In \_\_\_\_\_ and \_\_\_\_\_ were divorced in Hon. Judge \_\_\_\_\_ Court. At that time, all real estate and property issues were resolved and Ruled on by their merits. (Divorce Decree enclosed)

\_\_\_\_\_ did not appeal any of the real estate rulings. On \_\_\_\_\_

\_\_\_\_\_ died of a massive heart attack. In \_\_\_\_\_, less than \_\_\_\_\_ after \_\_\_\_\_ his \_\_\_\_\_ filed a lawsuit claiming fraudulent conveyance of the real estate that was owned by \_\_\_\_\_ prior to the marriage and decreed to \_\_\_\_\_ in the divorce \_\_\_\_\_ YEARS EARLIER. The real estate had been used as payment to \_\_\_\_\_

This debt of \_\_\_\_\_ was owed to him from \_\_\_\_\_ by \_\_\_\_\_

AND \_\_\_\_\_ . This debt was proven to be fact on several occasions in two courts of law. Moreover \_\_\_\_\_ never denied the debt owed to \_\_\_\_\_ in the divorce court transcript of \_\_\_\_\_ pages or to any person. \_\_\_\_\_ and \_\_\_\_\_ years after \_\_\_\_\_ filed a lawsuit for \_\_\_\_\_ the trial date arrived. The defendants were not aware the doctrine \_\_\_\_\_ applied (apparently their attorney, \_\_\_\_\_ was not aware either).

(below)

The defendants were aware that all real estate issues had been Ruled on by Judge however, they did not know the issues could not be Ruled on twice. A person without a law degree does not know these things. That is why people pay huge hourly fees to have a lawyer represent them. The defendants later found out that a person cannot sue a second time for the same issue in an effort to get a different, more to their liking Ruling. A. and his attorney did just that. They took advantage of 1) the system, 2) defendants poor representation, and 3) knowing that the and did not know anything about the law. In accordance with the trial transcript - ENCLOSED - Judge - CHARGE OF OF THAT WAS LEGALLY TRANSFERRED MANY YEARS AGO), both and his attorney, , knew this was a frivolous filing.

## MISCONDUCT

- (a) violate or attempt to violate the Rules of Professional conduct, knowingly assist, or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable Code of Judicial Conduct or other law.

(g) file a notice of change of judge under Rule 10.2, Arizona Rules of Criminal Procedure, for an improper purpose.

Due to the inferior representation the defendants received from their counsel, they are now at the expense (financial and emotional) of another attorney and the long appeal process. This should take about more years. It is unknown why Judge did not see the truth. It is doubtful that Judge could have read the documents presented to her. It is also doubtful that she could have listened to the testimony of the witnesses and defendants. dominated the proceedings, and the defendant's lawyer, didn't have much to say. The defendants intends to file a lengthy complaint with the COMMISSION ON JUDICIAL CONDUCT STATE OF ARIZONA about Judge conduct. Judge took over the case at the last minute when judge had an emergency. Hon. Judge had been in charge of this case for the previous years. You will find the proof is in the enclosed documents, all evidence and documents are available and/or are a matter of public record.

ENCLOSED: 1. Trial Transcript (77 pages)

Judge

Plaintiff Attorney,

Defendant Attorney,

**ENCLOSED**

**2. Divorce Decree, (trial transcript avail. on request 300 pages)**

**Hon. Judge**

**Plaintiff's Attorney,**

**Defendant's Attorney,**

**ENCLOSED**

**3. A Copy of the RULE 60 MOTION filed by**

**with Judge                      on                      asking relief**

**from the judgment. The filed motion containing all the  
details of proof on the misconduct and injustice done to**

**(Quotes, page #'s, and paragraph #'s to**

**simplify viewing the divorce decree)**

**Judge                      signed a judgment against                      so the Plaintiff could  
foreclose on his real estate for a debt owed by                      to her ex-husband**

**(deceased). Judge                      also signed a SPECIAL EXECUTION WRIT  
for the plaintiff, A.                      so he could foreclose in                      on real estate**

**owned by the defendant for                      short of                      prior to the lawsuit,**

**a total of                      to date. FOR THE DEFENDANT,                      Judge**

**gave NO consideration for the                      debt owed to him by                      and**

**She did not take into account the upgrades to the homes in the  
period of ownership, she did not take into consideration the interest due**

**to                      for the time                      and                      owed the debt. She did not**

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**