

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-364

Judge:

Complainant:

ORDER

The complainants alleged a superior court judge conducted a probate hearing without proper notice to all parties and deprived one complainant of her inheritance.

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: May 13, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on May 13, 2015.

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

Subject: My complaints against Arizona . Please file in court. Please distribute to Judicial Officials. Government Officials. Anyone who can help

From:

To:

Date:

My Court case was fixed to make sure that I would lose my inheritance.

My name is _____ I am an _____ who has been stripped of her inheritance by a judge who refused to allow me to be in court and testify on my behalf.

On _____ a hearing was held at the _____ Court in front of Judge _____, a substitute judge who was filling in for the judge assigned to the case. But the hearing should never have been held at all because I was never notified about the hearing. The attorneys for the petitioner had sent the notice to the wrong person at the wrong address.

This case involves the estate of my _____ who lived in _____ and who died on _____ did not leave a will. _____ was survived by _____ and _____ and I nominated _____ to be the executor of the Estate. And on _____ the court appointed _____ as Personal Representative for the estate.

In early _____ called to tell me that he was flying from _____ back to _____ for a court hearing involving a woman named _____ who was trying to have a _____ copy of a will admitted into probate. We had been told copies of wills were not legal in _____

The court had scheduled a hearing in front of Judge _____ Legal notices about the hearing were required to be sent to _____ and to me. _____ received their notices. But I never received a notice because it was never sent. _____ lawyers sent the notice to the wrong person. The only reason I learned about the hearing was because _____ called me before he

_____ said failure to notify me was very serious. _____ has been working with courts and judges for _____. He said notification is not optional, **it is mandatory. No court case can be heard or allowed to proceed, unless and until, all parties are legally notified.**

_____ said that he would file documents with the court to prove that notification was sent to the wrong person. _____ felt confident that once the court and Judge _____ realized that I had not been notified, that the wrong person had been served, the hearing

would be postponed until proper service was made. But the hearing was not postponed. Judge _____, the substitute judge filling in for Judge _____, refused to stop the proceedings even after he found out that the notice had been sent to the wrong person.

1. _____ filed a notice with the court, in advance of the hearing, that notice had been sent to the wrong person.
2. During the hearing _____ told Judge _____ the wrong person had been sent the notice.
3. Documents filed by attorneys for _____ clearly establish they notified the wrong person.
4. Judge _____ even stopped the proceedings to discuss the fact that I wasn't served.

In other words Judge _____ knew I had not been notified about a hearing that could strip away my inheritance. Judge _____ knew that _____ lawyers had failed to notify all the heirs. Yet Judge _____ proceeded with the hearing anyway. Failure to notify me may have started as a mistake. But once the court realized notice was sent to the wrong person, excluding me from the hearing was no longer a mistake. It was done deliberately, with the judge's approval.

At the end of the hearing Judge _____ issued rulings. He terminated the probate that had been issued by the court on _____. He stripped _____ of his appointment as sole Personal Representative. He revoked the letters that _____

_____ In revoking those letters Judge _____ stripped me of my inheritance. All of this took place during a court hearing in which Judge _____ knew I had no opportunity to participate or to testify on my behalf because I was never notified.

Judge _____ then ordered that _____ and _____ serve as co-Personal Representatives in a new probate that he established. Judge _____ also ordered that the case be taken away from the judge who had been assigned the case, Judge _____. And ordered that the case be permanently assigned to him.

Is this how things work in Arizona. Judge _____ is allowed to make up the rules as he sees fit? What Judge _____ did was wrong. What Judge _____ did to me was unfair.

Judge _____ actions should be reversed. I must be given the opportunity to be heard in court. I must be provided the opportunity to challenge the petitioner. The court must hear from all parties before any decisions are made. The decisions Judge _____ has rendered must be vacated and this case restarted from the beginning. That is the only way to insure justice. The only way that all parties are treated equally.

Finally I believe that Judge _____ should be replaced by a different judge. _____ told me that during the hearing Judge _____ stated that he needed the approval of all parties before the case could be transferred to him because the case had originally been assigned to Judge _____. Since I was never provided the opportunity to state if I had any objections to Judge _____ taking over the case I am doing so now. I am asking that the case be restarted, and another judge, an impartial judge, be assigned.

Because I am an _____ from _____ I feel my only recourse is to send this complaint to as many public officials and judicial supervisors as I can. I can only hope that my complaints will reach the right official who has the power to stop this injustice and allow me to have my day in court from the very beginning.