

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-191

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner (now retired) altered the electronic case record and made improper rulings in a family law matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: August 19, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the commissioner on August 19, 2015.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

To Whom It May Concern:

As of the filing of this Judicial Complaint, _____ has been active for nearly _____. While there are numerous filings in this case, I will attempt to keep the violations simple and include attached paperwork as exhibits to demonstrate.

1. Past _____ information has been altered to align with the desired outcome of the case. Of note, the _____ contains many false entries or misrepresentations of the actual case history. I have attached the printout and highlighted those items that are not accurate. Please see Exhibit A.

"Report" There was no report excerpted into evidence on this day. There is a connotation that the custody report done by Dr. _____ accepted into evidence. The report was actually received by the court on _____ During a hearing on _____ both _____ and _____ state that they rejected the report. Judge _____ states that he has received the report, but has not had time to read it. The _____ reflects the statements of those involved. Please see Exhibit B _____ Of note, there is no written mention of the _____ Report by Judge _____ in the Minute Entry.

"Trial" There was NO TRIAL on this day. On _____ we had a scheduled trial and negotiated a Rule 69 Agreement that was read onto record. A TRIAL never took place. The _____ does not list anything taking place on _____

_____ No _____ was put in writing. What is the "order"? Previously there was an entry for the appointment of a _____ At some point and I don't know exactly when, the _____ entry is changed to _____

2. On _____ Judge _____ stamps Petitioner's version of a lodged decree that is the written form of the Rule 69 Agreement negotiated on _____ It contains proof of the division of community property. Please see _____ stamped decree on file and supporting tabbed binder turned in by Attorney _____

3. On _____ Respondent files _____ And Motion for Leave to Amend." See Exhibit C. Petitioner files Petitioner's Motion to Strike; Motion For Judgment on the _____ In the pleading, Attorney _____ asks Judge _____ to issue a Minute Entry Order granting _____ leave to amend or a judgment. See Exhibit D. _____ is never completed by Judge _____ The issue continues on through _____

4. An Expedited Motion for Order Requiring Petition/Wife to Sign Quitclaim is filed on _____ Judge _____ calls both attorneys and sets a _____ conference for _____ at _____ It is requested that attorneys only are on this call. I insist that I am present for the call. Judge _____ orders that I sign the Quitclaim Deed on my marital home. He does this despite the fact that our stamped decree outlines how Respondent will refinance the property and how Petitioner will sign the Quitclaim concurrently. This is to guarantee that I will receive a check for my portion of the home. Judge _____ ignores my attorney _____ warning that I will not receive my portion if safety provisions are not demanded. Judge _____ states verbally that _____ should issue a buy-out check by _____ to me. In a _____ issued on _____ Judge _____ orders that I shall sign the _____ immediately. Respondent is ordered to proceed with the refinance of the home. There is no written order to issue a check for the refinance by _____ or to sell the home if the refinance is NOT authorized. This was verbally stated on the call but not issued as an order in the Minute Entry dated _____ See Exhibit E. At this point, I no longer own my marital asset but I am required to pay my portion of the debts assigned to me in our Rule 69 Agreement.

5. On May _____ a Status Conference is set by Judge _____ The _____ states that the conference is for attorneys only. Please see Exhibit F. I am present for the conference. Judge _____ assistant states that Judge _____ wants this in chambers and I presume unrecorded. I object and insist that, I am present, the conference take place in the courtroom, and that it be recorded for the record. What follows is opposing counsel Attorney _____ Attorney _____ and Judge _____ completely changing our written and stamped decree. My attorney _____ attempts to speak but is ignored. Judge _____ verbally orders that our Rule 69 be changed according to his orders. To add insult to injury, my attorney _____ is ordered to make the changes. So I will be paying all legal fees for these changes that I did not agree to. _____ makes the changes as she is ordered to do. Most important, Judge _____ fails to ask Mr. _____ if I have been paid the buy-out money for the marital asset. Please see the Minute Entry, Exhibit G. Also see the _____ transcript of the Status Conference, Exhibit H.

6. Judge _____ leaves the bench on _____ The final decree that is really a Rule 69 Agreement is never signed by either party. Judge _____ does not sign it as a final order.

This case should have been resolved months ago. At this point the _____ is no resolve and the details have been complicated by the numerous filings and the passing of time. Lack of orders put in a minute entry have also complicated matters. I personally, have spent an additional _____ in attorney fees that were unnecessary had this case been adjudicated properly and the signed and stamped decree of _____ been left in place.

A new judge versed in Arizona statute and constitutional law would need to read and investigate all the filings to issue orders in this case. I have attached a similar Special Action Jurisdiction case for your review. This case involved Judge _____ See Exhibit I.