

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-196

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Judge:

Complainant

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**ORDER**

The complainant alleged a superior court commissioner improperly issued a bench warrant for his arrest.

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.

After review, 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: September 30, 2015

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 commissioner on September 30, 2015.

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

**CONFIDENTIAL**

Arizona Commission of Judicial Conduct  
5101 W. Washington Street, Suite 229  
Phoenix, AZ 85007

**COMPLAINT AGAINST AN ARIZONA JUDGE**

**COMPLAINT:** I will present concrete facts and evidence that is already in the Court's possession and is readily available in \_\_\_\_\_ of how the unethical conduct of \_\_\_\_\_ destroyed public confidence in the judiciary by destroying the integrity of the judicial process through her lack of accountability in controlling her actions and the actions of those that she signs her name to as being responsible for under her direct supervision and jurisdiction. \_\_\_\_\_ allowed a mockery to be made of \_\_\_\_\_ which reflects poorly on the Court, the Governor's appointment of judges, and the reputation of the State Bar.

I will present repeated intentional instances of willful misconduct in \_\_\_\_\_ office involving the destruction of evidence and the premeditated plan to present false statements under oath, and the willful and persistent failure to perform duties in order to oversee and enforce the protection of my rights to protection under the law.

I will present how \_\_\_\_\_ violated the Arizona Code of Judicial Conduct by \_\_\_\_\_ and those that were under her supervision and jurisdiction to engage in improper conduct that failed to live up to the ethical standards described in the Arizona State Constitution.

Overall, the facts and evidence and chronology of the events that \_\_\_\_\_ failed to protect the public, failed to maintain high standards, failed to maintain the dignity and honor of her position, and by all reasonable public and legal expectations is conduct that brings the judiciary into disrepute.

The Public has a reasonable expectation that the Court, \_\_\_\_\_ will determine that Justice should prevail, and public opinion in this specific instance would overwhelmingly expect the Court to determine that Justice requires that when a subpoena is served with the wrong date to appear, that that subpoena should be quashed or modified, not that the recipient of that subpoena should be held in \_\_\_\_\_ after showing up exactly as directed. I believe that this reasonable public expectation is spelled out in Rule 45(e)(2)(B) of the Arizona Rules of \_\_\_\_\_ where it says that the court may quash or modify a subpoena if the court determines that justice requires the subpoena to be quashed or modified.

**BRIEF SUMMARY:** \_\_\_\_\_ subpoena to which \_\_\_\_\_ . I was not notified that the \_\_\_\_\_ had changed from the date written on the

subpoena, and I was not served a new subpoena even though it would have been easy and appropriate for [redacted] to do so. In fact, the Court has proof that the date of the deposition had already been changed by [redacted] one day before I was served on [redacted] for the incorrect date [redacted] enclosed). So even though I showed up for my deposition exactly as ordered, I'm now unfairly and wrongly held In [redacted] for failure to show up for the rescheduled deposition that I never knew about and for which I was not served. Judge [redacted] accepted false statements by [redacted] for [redacted] when he writes that I refused to attend my deposition and [redacted] which untruthfully abuses Rule 45(e) and makes a legal mockery of the Court and of Rule 45(f) of [redacted]. Furthermore, [redacted] the Court to be further deceived by [redacted] he writes the plural [redacted] to untruthfully say that more than one subpoena was served and then to request [redacted] fees. I have made an exhaustive effort in good faith to present the complete evidence before Judge [redacted] but I have faced a pattern of [redacted] that Judge [redacted] continues to allow under her direction and jurisdiction. I'm writing to report the ethical and legal misconduct that I have experienced which leaves the public unprotected and reflects poorly on the Court.

Name:

Address:

Phone:

Judge:

Court:

Did you have a case before the judge? No. I was served one [redacted] dated [redacted] and stamped by [redacted] on [redacted] to give a deposition as a fact witness regarding a patient I treated one time for: [redacted] at [redacted] and I did in fact show up appropriately as was witnessed by the [redacted] and [redacted] at [redacted] firm including attorney [redacted] paralegal [redacted]. However, no one else that was supposed to be there showed up, including the lawyer that issued the [redacted] the plaintiff's lawyer [redacted] the defendant [redacted] the [redacted] or the [redacted]. When lawyer [redacted] notified that I was there, he told the [redacted] to tell me to immediately leave the building or he would call the police. A [redacted] said [redacted] behavior was wrong but [redacted] and that he was being asked to leave the [redacted] of such behavior with [redacted]. My follow-up with all involved and all responsible is [redacted].

discussed in detail in this complaint, but ultimately [redacted] was provided provably false written information by [redacted] that I did not show up for the deposition regardless of the undisputable witnessed fact that I did show up and then on [redacted] she found me in [redacted] for [redacted] for what she said was

Evidence will be provided as these issues are discussed below.

Is the case still pending? Yes, I am currently trying to [redacted] and evidence [redacted] but her assistant [redacted] has admitted to destroying some of the evidence, as will be discussed below.

Case:

Attorney for Plaintiff:

Attorney for Defendant:

Attorney

Witnesses: [redacted] Judge [redacted] Judge [redacted] Judge  
[redacted] Judge [redacted] paralegal [redacted] paralegal  
[redacted] paralegal [redacted] assistant [redacted]  
attorneys [redacted] and [redacted] arbitrator [redacted] Judge  
Governor [redacted] at Commission on Judicial Conduct,  
partner at [redacted] firm attorney [redacted]  
General Council to [redacted] And more if needed.

**CHRONOLOGY**

The following will show that [redacted] violated a number of provisions of the Code of Judicial Conduct, including Rule 1.2 "A Judge shall act at all times in a manner that promotes public confidence in the integrity of the judiciary and shall avoid impropriety AND the appearance of impropriety", and Rule 2.11(A) "A Judge shall disqualify himself or herself in any proceeding in which the Judge's impartiality might reasonably be questioned", and Rule 2.12(A) " A Judge shall require court staff to act in a manner consistent with the Judge's obligations under this code".

Proof that the above was violated can be clearly seen [redacted] sent from arbitrator to attorneys [redacted] where [redacted] said [redacted]  
That this known self-described [redacted] is the assigned [redacted] representative of [redacted] and that [redacted]  
continued to allow [redacted] to make decisions regarding my participation in this case as a [redacted] and that [redacted] continued to accept misleading and false and incomplete direction from [redacted]  
even after both I and [redacted] informed her office of this bias me to [redacted] which was also sent several times to

certainly reasonably questions the impropriety, impartiality, appearance of impropriety, appearance of impartiality, of \_\_\_\_\_ and her court staff to fulfill their obligations, and thus creates an appearance of bias which does not promote public confidence. In failing to require \_\_\_\_\_ to disqualify himself as soon as his conflict was made known, \_\_\_\_\_ failed to hold her \_\_\_\_\_ to the same ethical standards and demeanor as a \_\_\_\_\_ Judge.

Additionally, I notified Judge \_\_\_\_\_ at least \_\_\_\_\_ of the above via direct conversations with her \_\_\_\_\_ voicemails, and letters. \_\_\_\_\_ admitted to me in a recorded and witnessed conversation that she intentionally destroyed some of these \_\_\_\_\_ and that she intended to purposely not remember their content if I called her to testify on my behalf as a witness to my attempts to notify Judge \_\_\_\_\_ of the abuse and bias, as well of my attempts to cooperate in the entire process, as well as to notify Judge \_\_\_\_\_ that I was scheduled to be out of Arizona on the \_\_\_\_\_ that I was given very short notice of which presented an impossible burden for me. Judge \_\_\_\_\_ clearly failed to require her staff and people working under her direction to observe the standards of fidelity and diligence that applies to the Judge, failed to correct or prevent inappropriate behavior, allowed evidence to be tampered with and destroyed, and failed to afford me as the defendant the right to be heard by failing to continue the matter to a time when I could be present even though I pleaded to personally appear telephonically or via Skype. \_\_\_\_\_ Judge \_\_\_\_\_ office was repeatedly less than forthcoming, and in fact misleading and wrong, in providing facts about how to request a \_\_\_\_\_ by \_\_\_\_\_ telling me that Judge \_\_\_\_\_ would not and could not legally receive a Motion from me, and that she had destroyed my previous attempts at communication. This is a clear violation of Rules 45(b)(5) and 45(e)(2) and 45(e)(2)A and (B) of the Arizona Rules of \_\_\_\_\_ which state that I do have a legal right to file a Motion to quash or modify the subpoena with the court to obtain a court order excusing me from complying with the subpoena. It was only after I informed \_\_\_\_\_ that I had contacted \_\_\_\_\_ and Judge \_\_\_\_\_ and the Governor's office and had recorded her telling me that she destroyed evidence and planned to not remember the content of my communications to Judge \_\_\_\_\_ that \_\_\_\_\_ slightly changed her behavior and told me that she would give Judge \_\_\_\_\_ a Motion from me. I immediately faxed my Motion on \_\_\_\_\_ to the number given to me by \_\_\_\_\_ of the \_\_\_\_\_ but it was not delivered in time which caused me to incur a Contempt charge. However, the Clerk did receive or should have received my Motion in compliance with the time specified in Rule 45(e)(2)(E) of the Arizona Rules of Civil Procedure, despite \_\_\_\_\_ obstruction. Judge \_\_\_\_\_ office at best showed a lack of courtesy and dignity, and at worst violated or ignored state laws. I was given less than a day to file my Motion before I left on a scheduled trip outside Arizona, to respond to an order to appear before Judge \_\_\_\_\_ on the charge of \_\_\_\_\_ This did not provide a reasonable time for compliance and subjected me to an undue burden, and violated Rule 45(e)(2)(A) of the Arizona Rules of \_\_\_\_\_. Judge \_\_\_\_\_ could have also determined that Justice required that the subpoena be quashed or modified under Rule 45(e)(2)(B) of the Arizona Rules of \_\_\_\_\_

Also, the serving [redacted] did not show a substantial need for the testimony and clearly did not show that my expenses would be reasonably compensated, as [redacted] is expected to require under Rule 45(e)(2)(C) of the [redacted]. I contacted [redacted] the [redacted] and [redacted] to try to get a continuance for my appearance before [redacted] but not only did everybody refuse, no one would even notify [redacted] that I was out of town. So any wasted time and money is the fault of theirs.

The overall pattern of incidents establishes that Judge [redacted] does not properly discharge the duties of her office, and this brings the judiciary into disrepute, reflects poorly on the integrity of the judiciary, creates the appearance of impropriety, and destroys public confidence in the integrity of the judicial system. In this case, [redacted] did not protect the public, maintain high standards, or maintain the dignity and honor of the position.

It is disturbing that I spoke with [redacted] the self-described [redacted] on the phone and the next week in his office [redacted] so that he would be [redacted] of the date on my subpoena, but even after seeing the evidence he laughed and made it clear not just that he was pleased and would and could continue the abuse, but also that he would not intervene on my behalf.

It is clear that [redacted] allows for the abuse of power under her direct supervision and jurisdiction, and allows the presentation of falsehoods to her Court to the extent that the required due process is not followed. This resulted in the abuse of power to threaten [redacted] and her wrong finding [redacted] Judge [redacted] minute entry [redacted] 'The Court finds that I knew of the subpoena' is clearly absurd as the evidence shows that there was no subpoenas served for the dates they held the depositions, thus the finding of Contempt is provably wrong. Even worse, Judge [redacted] granting the [redacted] and [redacted] set at [redacted] is not just undignified and discourteous, it violates Rule 1.3 which provides that a Judge [redacted]

[redacted] and Judge [redacted] is being coercive rather than facilitating due process which is in violation of Rule 3.1(D)

### **Supporting Chronology**

I have not recently reviewed the medical records, nor are they in my possession, but I believe that the case [redacted] involved a motor

**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.**