

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-242

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge failed to resolve matters without unnecessary cost and delay, improperly entertained and signed an ex parte order, was prejudiced against him, and attempted to coerce a party into a settlement.

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. The commission approved sending the judge an advisory letter to become more familiar with Rule 48, Arizona Rules of Family Law Procedure, and the requirements for the issuance of a temporary order without notice, and to ensure his staff is timely docketing all pleadings and orders. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: November 13, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

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

See attached Typed
pages and attached
exhibits and a
For the Record Recording
of a
hearing.

My complaint regards Judge _____ in a divorce action filed in _____ county . My complaint alleges violations of the judicial cannons and code of conduct as follows. Cannon 1 the judge has not complied with the law, has not acted in a manner that promotes confidence in the integrity and impartiality of the court. Cannon 2 the Judge failed to apply the law fairly and impartially ,demonstrated that he is not impartial and or open minded , intentionally disregarded the law in both his rulings and in open court, has displayed bias and prejudice , the Judge has displayed a lack of legal competence both through displayed lack of legal knowledge and failure to dispose of matters promptly and efficiently .Has failed to demonstrate a regard of parties to be heard and have matters resolved without unnecessary cost or delay. The judge has attempted to coerces a party into settlement .The judge has refused to disqualify himself when the issues of his non compliance with the cannons were presented and disqualification was requested. Cannon 2.9 the judge has entertained and signed an ex parte order to the extreme detriment of a party and fraudulently misrepresents the ct record. The judges ex parte actions do not comply with any of the exceptions outlined in cannon 2.9 .

The civil action which gives raise to the complaint, respondent, a divorce action, filed in

_____ has been in the system more than _____ years. The _____ trial concluded in _____ . The trial focused on _____ I am the owner of _____ in _____ I had purchased it in _____ , several _____ prior to our marriage . Before the trial I agreed to sell the _____ to _____ at a substantially reduced price with

down and a modest rate of interest on the outstanding. My motivation was because of _____ ,
and because we agreed to

_____ . On the record the parties reached an agreement. The parties were
to sign a written agreement , within several _____ of the trial's conclusion , that would include the
terms set forth on the record as well as terms commonly found in n property contracts. It was
agreed that we would use a _____ attorney _____ , who had represented _____ to
prepare the contract ,

necessary deeds, and mortgages ect. by _____ Latter _____ and her attorney
_____ indicated they would not proceed with the contract. My attorney _____ attorney
_____ tried by letter and phone calls to, Respondent and her attorney, work out the problems
or at least find out what the problem was. My attorney then filed motions with the court to
address the issues. The court either dismissed the motions out of hand , without a hearing , or
refused to respond in any way . I was out of funds and my assets were in respondents possession
and i could no longer afford to employ an attorney . Thereafter I filed motions Pro se trying to
clear up the problem but again the judge refused to respond or set hearings (motions attached)
.(ex 10,11) At one point I went to the court house to speak to the judge and was told by the clerk
of courts office that

Finally, in I demanded a hearing . The judge granted me a hearing for . The motion explained that though I owned a with an estimated(present) value of and property worth around had taken possession of all the property ,with my concurrence (based on my the assumption we had a binding contract). i have been surviving on approximately from . My only transportation, a , broke down in . and I had to sell it cheap to junk yard; My bought me a miles and she has been helping me with rent and living expenses . I am presently suffering from and I have recently had and need considerable . I have medical expenses and travel expenses as I see medical providers in on a fairly regular basis . My recently suffered financial setbacks , is not able to continue to pick up the economic slack in my life ,and I face the prospect of being unable to pay rent.

The verified motion (ex. 1-) dated requested reconsideration of the temporary orders entered by the court on regarding legal decision making authority , parenting time and joint decision making for the children I pointed out , in unrebutted testimony ,that our youngest child had died at while in exclusive care due to negligence, when she

I also pointed out that our oldest

son
due to her negligence when she

while in her care and

I also raised the
issue that I had been unable to exercise visitation with my children due to lack of finances. Prior
to respondent fleeing the jurisdiction Petitioner had been the primary caretaker of the children
from early childhood. Respondent requested temporary custody of the parties

home , which is unoccupied and has been since shortly after arrived in :
and moved in with her boyfriend . The house was built by the
petitioner and he invested in excess of cash and with his own machinery and labor dug
the sewer, installed electricity .the well, ect. and latter provided money and labor for an addition.

At present the house sits empty and were I allowed , as requested in the motion,(ex 1)to
temporarily live there this would reduce my expenses and allow me visitation with my children
and the requested joint supervision . Under the agreement ,reached in open court, I have a
lien on the property ,as present consideration for the contract, on which the
respondent . (ex 9)Petitioners verified motion requested the court to reopen
discovery as respondent

has been in possession of petitioners since the when the
parties orally agreed to the sale. Since then, she has been running a,
operation with petitioners which she agree to purchase but has failed to pay for,since
taking possession of the and she has paid no rent or other compensation. has told
me she recently purchased additional I have identified
approximately income to respondent that was concealed during the divorce
proceedings(testimony unrebuted hearing (has also indicated

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that she is earning a large income from . The motion requested the court to reopen discovery to discover these funds as well as improprieties regarding a which I allege she uses to conceal income and assets(the judge said he would disregard this allegation and testimony(FTR recording at) as well as similar rulings at trial) and requested discovery to determine if the real and or personnel property assetets ,in possetion,have suffered waste or diminishment. ().In discussions with my children, they tell me that she is often often to . Based on these conversations I estimate that is away from her home approximately again the need for discovery)I pointed out to the court that if I were given temporary custody of the home I could supervise the children in her absence. In a conversation this told me she met with (once considered the) in to raise money for a .(she refused to name the) Based on my personal knowledge of and her past actions I believe she is using the as a conduit to conceal income and assets. During the trial and motions to compel discovery prior to trial the court refused to allow testimony or discovery regarding these issues(EX.3). Petitioners verified motion requested spousal maintence based on his state of poverty, medical condition ,lack of funds to afford visitation with his children and living expenses . In the judges order(ex 2) he stated .

Petitioner also requested that respondent

**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.**