

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-128

Judge:

Complainant:

ORDER

The complainant alleged a superior court commissioner denied a request in a conservatorship proceeding out of personal pique rather than on the merits.

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(a).

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: July 27, 2016

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 July 27, 2016.

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

To Whom It May Concern:

I have worked myself through several hearings and court proceeding in the AZ judicial system for MANY years, for several personal issues. This particular proceeding is related to settlement funds.

I petitioned and was granted conservatorship over the settlements. On both occasions, the money was placed into

. We received notice from the bank
The bank stated must be either closed
withdraw of the funds, or . If there
would be financial penalties to withdraw prior

I quickly filed the proper explanation of the were outlined. The court clerk noted the bank issues, and scheduled a hearing for the FIRST AVAILABLE TIME, I advised the clerk at which time the judge will make the determination.

We made the proper arrangements, taking time off to present in front of From the date of filing until the hearing date, we had no communication from the courts. On the day of the hearing I receive a call from advised that due to the fact they could not do anything with , and wanted to reschedule. I explained the noted issues with and tried to explain we have made arrangements . Prior to me completing my sentence, she placed me on hold. Suddenly returned and stated said I then asked her if she could please ask , is it possible to issue the court order on the hearing date and make EFFECTIVE on . She stated no she could not ask that, because I needed to make the request in a formal court proceedings. I tried to explain that I would also make the request in the court when I

arrived in the court room. She quickly shut me down again and stated she would not ask and for me to be respectful to her.

I quickly apologized, stated I am not trying to be disrespectful, but she just asked about the bank issue, and now she can not ask him about making the court order effective on a specific date. This was not right. She stated for me to either reschedule or come to court I advised that I would be in court on my schedule time to ask She hung up.

I arrived in court early with We waited patiently for the . The walked in right on time, asked who was present. We identified ourselves and then quickly and rudely, stated He was rude and walked in to the court room without an open mind. He wanted to 'flex his judicial muscle'. He wanted to make sure we knew he had the power of the courts.

When I advised that we have several factors to consider, the bank issue, I would not be available the last week due to family obligations, and needed to get to the funds to explained that re to but we needed to

then stated he puts the robe on to uphold the law and rules. He could not do me any favors or bend the rules for me. I replied, I was not asking for a favor, nor for him to brake the law in any way or bend rules. I was asking that he please not make us return to his court on HIS SCHEDULE, to simple give us the court order EFFECTIVE (). I explained that I knew he could do that. He SARCASTICALLY stated I explained YES, and then why I knew it was possible. HE DID NOT DENY HE COULD- HE RUDELY STATED 'NO'.

Then he asked if I would like to reschedule the hearing. I advised I would be available on but after that I would be out of town for family. He stated, ' Th sed with his assistant, then turned to us and stated that the c rt is closed on as well due to a holiday, but he could squeeze us in on

I asked about the bank issue, and he stated I could file with his office and he would approve that to provide to the bank. AGAIN, he was si everything more complicated, because he WANTED TO. The banks legal department had agreed with the court order with the effective date

I am requesting that proceedings be reviewed. My request was not an illegal request, it was not unreasonable. The made this PERSONAL for himself. Actions, like this is why the public gets discouraged and fearful about people with power; our police, our military, our politicians, and our judges. Because you have the power, does not mean you have the right to abuse your power.

Sincerely,