

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-149

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge failed to report attorney misconduct, was biased against him, and was under a disability or impaired while presiding over a probate matter.

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(a).

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

Dated: July 13, 2016

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 July 13, 2016.

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

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 the attached information.

The bases for this complaint are numerous alleged violations of the Arizona Code of Judicial Conduct of

The incidents which support this complaint are as follows:

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¶1. CANON 2, RULE 2.15 (D) Responding to Judicial and Lawyer Misconduct:

'A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.'

received substantial evidence that (

had violated the American Bar Associations Rules of

Professional Conduct, Rule 3.3: Condor Before the Tribunal by conspiring with the Trustee to cover up a violation the Trustee' duty to protect the assets of the Trust.

The facts are as follows:

1. monthly Statement of Transactions for indicated a payment of \$ for legal services for

2. The Settlement Conference was held in

3. In a cover letter dated to the Beneficiaries made the following statement:

"the Trust assets will not be reduced by the costs of defending the Civil Matter."

4. The payment was a double payment for the same invoice which had been paid in . However, the statement did not indicate the time frame covered by the payment.

5. Prior to the Conference had paid over \$ for legal services, a fact which was not disclosed until after I had signed the

Agreement. The court is required to investigate a claim of 'bad faith and unfair dealing'. ignored my assertion of foul play.

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6. The full significance of this infraction wasn't realized until submitted application for fees, (after the ruling).
7. A review of application for fees and the monthly statements of provided with irrefutable evidence of a conspiracy to deceive the Beneficiaries and deprive me, by the use of fraudulent statements, of the information needed essential for me to protect the funds of the assets before made ruling against me at the hearing before on .
8. also received the statement of which confirmed the double payment, as evidence in my filed response to application for fees.

AN ASTUTE JUDICIAL OFFICER WOULD HAVE RECOGNIZED THE LIKELIHOOD THAT IF HAD VIOLATED RULE 3.3 OF THE RULES OF PROFESSIONAL CONDUCT ONCE WITH IMPUNITY WAS LIKELY TO DO IT AGAIN AND AGAIN. THE RECORD SHOWS THAT DID.

¶ 2. CANON 2, RULE 2.2 (2.) Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.

I had concerns about a rumor regard~~concerning~~ the adoption of biological son I expressed those concerns in a petition and it ~~was~~was discussed during the hearing to approve the Agreement or In -response to my concerns asked to provide something -in writing to confirm or deny the adoption. volunteered to provide the -writing if I

would in turn drop my petition. Since [redacted] agreed to complete the task with-in [redacted] days I dropped my petition.

Pursuant to the Restatement of Trusts (second) [redacted] promise met all three conditions of an amendment to a contract. [redacted] in a derogatory tone of voice and mannerism, declared my concerns as 'frivolous'.

[redacted] believed my concerns had merit. [redacted] is required to uphold and apply the law, and perform all of the duties of his judicial office fairly and impartially. After fifteen minutes in [redacted] court I knew I had the same chance as a snowball in a hot oven to come out unscathed.

In late [redacted] I was notified by the [redacted] division of the [redacted] that a complaint had been filed against me for 'contributing to the death of my father', [redacted] The charge was unfounded and constituted a false report to a State agency. When I expressed my concerns over the volatile situation, before [redacted] belittled me and -ruled that the complaint was mute since it was covered by the Mutual Release in the [redacted] Agreement. His ruling was in error:

1. ~~(a)~~ The Mutual Release covered only acts or inactions which [redacted] occurred prior to [redacted] 2. ~~(b)~~ [redacted] complaint is confidential,³ therefore had [redacted]

[redacted] had expressed the same unfounded sentiments in [redacted] petitions filed in response to my Civil complaint. Those same sentiments had been parroted by [redacted] ~~widened~~ ignorance of the Mutual Release ~~is~~ supported by the Transcription of the Conference.

³ Responding to the complaint caused me great anxiety and hours of my time.

— no knowledge of the timing of when the false report was filed.⁴

—(1) If it was filed after [redacted] it was a blatant violation of the

—Agreement.

—(2) The filing of a false report to a government agency is a

—criminal offense.

ruling, which implied that I did not have the intelligence to

understand the

Mutual Release was both demeaning and offensive.⁵

Furthermore, during the same hearing [redacted] responded that the Complaint was news to [redacted] statement was a blatant prevarication of the truth as proven by [redacted] own application for legal fees. [redacted] legal billing invoice for

[redacted] showed [redacted] had charged the Trustee and therefore the Trust for nearly [redacted] to address the complaint. [redacted] continued faith in the integrity of [redacted] tainted the entire proceedings from then on. It was apparent that [redacted] was either naive or [redacted] integrity was compromised by one of the [redacted] in the State.

¶3. CANON RULE 2.3 (A) Bias, Prejudice, and Harassment: A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

1. None of the issues contained in my petition to enjoin the Trustee from using the Trust's funds to indemnify itself involved any issue/matter which occurred

⁴ Further discovery provided irrefutable evidence that [redacted] had deceived the court when [redacted] claimed the report was news to her. In early [redacted] charged the Trust nearly \$ [redacted] to respond to the complaint.

⁵ It was openly apparent that the opposing attorneys took delight in my frustrations for a fair ruling.

**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.**