

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-233

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge, now retired, did not afford him a fair civil trial and unreasonably delayed entry of judgment.

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).

Dated: October 12, 2016

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 judge on October 12, 2016.

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

Comp

✓ From:

2016-233

To:

In my medical malpractice law suite against [redacted] insured that I did not get a fair trail. I sued [redacted] for doing an unnecessary surgery, doing surgery improperly, not documenting records correctly, fraudulent billing, violation of my privacy rights, and not documenting records correctly and poor surgery by cutting my Achilles tendon. The [redacted] on [redacted] found all my complaints valid.

[redacted] consisted acted and ruled in favor of [redacted].

- [redacted] ruled that [redacted] could use information that she learned after the fact as part of her decision to do surgery as though she knew information prior to recommending surgery in [redacted]. After obtaining my records in [redacted] she learned that I had seen my [redacted] who had recommended rest, ice, compression, and elevation (RICE). The defense built their case on the fact that my [redacted] had recommended RICE and that she used this as part of her initial decision to do surgery without noninvasive care. The defense used this argument throughout trial and in closing statement. RICE being far short of the noninvasive care that a [redacted] should have used prior to recommending surgery.

[redacted] let the defense speculate while not allowing either my wife or I to testify regarding conversations during visits to [redacted].

- The defense suggested that I might have injured my tendon by stepping off a curb. IN [redacted] I saw [redacted] a [redacted] surgeon in [redacted] who specializes in tendon care. He testified that [redacted] cut my tendon and that it was visible in an MRI requested by [redacted] in [redacted] I had seen [redacted] because of chronic pain in my Achilles and some heel pain.
- [redacted] sustained the defense objection that neither myself or my wife could testify regarding my post surgery complaints to [redacted] because they would be hearsay. I complained to [redacted] with my wife present on more than one occasion, about tendon pain and not being having push off when I walked.

[redacted] did not document my complaints but would change subject and walk out of room telling me to give it at least a year to improve. My only complaint that was entered into record was a phone call to a medical assistant, who placed a note in record.

- We proved that [redacted] did an unnecessary surgery, cut my Achilles tendon, withheld my medical records from me from [redacted] until [redacted]. She finally furnished records after I obtained an attorney. She tried to obtain my medical records from other providers in [redacted] by FAX and phone, before giving me copies. The defense in their closing statement for the first time entered a new argument that I not complain about pain and difficulty walking or would have done intervened.
- [redacted] decided to place shared responsibility into the verdict forms over our objection. My attorney [redacted] stated that he **would agree to the forms if a correction was made. A separated line for [redacted] needed to be entered.** While the jury was deliberating, we received a call regarding the verdict form. [redacted] again stated he would agree to the form if the correction was made. **We did not agree to the form as [redacted] stated.**
- [redacted] did not sign the verdict for [redacted] months. We were then able to file post trial motions.
- We stated that the verdict forms had not been corrected. We also stated that there was no argument by defense regarding our fault until the closing statement other than a speculation by the defense that I might have injured my tendon by stepping off a curb. This statement had been disproved by [redacted] testimony that the tendon was cut.
- The defense attorney, [redacted] had lied to the [redacted] on two occasions, He stated that my complaint to the [redacted] was attorney driven. I had obtained and was completing the forms prior to contacting an attorney. Reference [redacted] “

[redacted] fabricated this entire statement.

- [redacted] lied to the [redacted] again in [redacted], reference [redacted] stating that “ ( [redacted]

” [redacted] knew that the trial was scheduled for [redacted] and had been for at least [redacted] months.

- [redacted] waited for [redacted] months after the trial to sign the verdict. We were unable to file post trial motions until then.

- The [redacted] heard my complaint case on [redacted]. Before we could approach [redacted], he ruled regarding post trial motions on [redacted].
- [redacted] was not honest in his post trial decisions.
- He stated that throughout the trial I was shown to be at fault. My being at fault was not argued except as mentioned above. He falsely stated that [redacted] had approved the verdict forms. Twice [redacted] stated to the court that the forms needed to be corrected then he would approve them. Forms were never corrected.
- The [redacted] stated “

[redacted] had reserved this argument for the defense by prohibiting either myself or my wife from making any statements regarding my complaints to [redacted].

- In post trial decision [redacted] parroted the defense counter to the post trial motions. His statement does not resemble the events of the trial. [redacted] ruling during the trial and his statements answering our post trial motions clearly show that he was a member of the defense and had protected her argument regarding my complaints for [redacted] final close and post trail motions.

My Attorney believes that the way [redacted] ruled the post trial motions, although untrue, leaves appeal difficult.

I hope that you will review the case and see that something was wrong in the way the [redacted] behaved and that attorney [redacted] lied in an official capacity to the podiatry board and at the trial misreading documents.

We Have

1. A [redacted] who rules unfairly in favor of defense and wrote untrue statements in his reply to post trial motions.
2. A doctor who lied about results of initial MRI. When I complained to [redacted] about tendon pain and difficulty walking in [redacted] she lied again about MRI in [redacted] saying I had planter fasciitis when the MRI really showed Mild planter fasciitis and that the tendon had been cut. A doctor who tried repeatedly to get copies of my medical records from other doctors before she supply my records. A doctor who made the trial about her own health when questioned about her actions regarding my records. A doctor who had on many occasions double billed insurance companied for [redacted] and kept the money as she sid “ [redacted].”
3. A lawyer who lied repeatedly to [redacted] and again in [redacted] regarding the case, in [redacted] when he told board the case was scheduled in a [redacted] couple of [redacted] He knew the trial was for [redacted]

starting . A lawyer who called me a liar in front of iurv when I once  
said in " and once said "  
". I still believe they are the same time. A lawyer who twice, while using a  
transparency projector, used his left hand and to defocus projector, making it  
unreadable. adjusted the slide upward to the part he did not want jury to see and  
said " " rather than " " as the MRI report stated.. A lawyer  
who misquoted me when I said scared me into surgery and tried to  
force me into a surgery. He quoted me as saying she forced me into  
Surgery.