

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-259

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made false accusations against him in a professional misconduct complaint.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Anna Mary Glaab did not participate in the consideration of this matter.

Dated: November 8, 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 November 8, 2016.

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

Comp

2016-259

TO: ARIZONA COMMISSION ON JUDICIAL CONDUCT
1501 W. Washington Street, Suite #229
Phoenix, Arizona 85007

By:

COMPLAINT AGAINST JUDGE

This Complaint is being filed against Judge _____ due to Unethical conduct and Misrepresentations against _____ in unlawful Complaint filed with the _____ Making false accusations against _____ is Unethical for a judge. Asserting fabricated facts that are not true against _____ is Unethical conduct for a judge. Due to Judge _____ unethical misrepresentations and fabricated facts, the _____ is attempting to unlawfully force the surrender of _____

Judge _____ falsely alleges _____ failed to appear in _____ court on consecutive court dates leaving _____ client without representation at the trial, requiring the court to continue the hearing. _____ failed to show up to _____ hearings.

Judge _____ alleges all of the following Unethically against

- 1) _____ who was retained by _____ was scheduled to appear for a hearing. **Instead of appearing** _____ **filed** a **on the eve of that trial date.**

The court denied his motion to withdraw and court staff notified office that his appearance was expected. failed to appear leaving his client without representation at the and requiring that the court continue the hearing.

2) The court set a for Respondent to appear and explain why he should not be held in contempt for failing to appear at the hearing. The eve of the hearing, Respondent filed a motion to appear telephonically. The court denied the motion and expected Respondent to appear in person. On Respondent again failed to appear.

3) Another minute entry was entered ordering Respondent to appear and to why he should not be held in contempt for repeatedly failing to appear when directed to do so. **The hearing was set for Respondent failed to appear, the court held him in contempt and submitted the matter to the State Bar.**

alleges that Respondent violated 54(c) a knowing violation of a court order and Rule 42, Ariz. R. Sup. Ct., ER 1.2, ER1.4, ER 1.4(a), ER 3.4(c), ER 8.4(d).

It is important to point out that Respondent's client, never informed that had any issues with his service and never filed a complaint against him except due to the Bar's intervention. It's also a curious thing and interesting to note that it is another who is complaining against respondent and filed

unethically asserts a one sided narrow view of the matter while fabricating pivotal facts and false allegations that do not accurately represent the facts or include all of the facts and is purely unethical conduct.

A. filed a motion to appear as counsel for in

B. On or about _____ while _____ was a second time, in a face to face meeting with _____ Respondent terminated his representation due to _____

_____ could no longer represent _____ due to the risk of harm to if _____ were to _____ Professionally and in good faith, Respondent terminated the relationship and also confirmed it in writing to _____

C. _____ filed a motion to withdraw as _____ counsel in _____ before the _____ hearing. As per court protocol under the law.

unethically misrepresents the truth and the facts by claiming that filed the motion to withdraw the

It wasn't the _____ as _____ unethically alleges, it was the hearing and per court protocol and rules within the law.

does not deny _____ motion to withdraw as _____ alleged.

_____ misrepresents the fact about why the _____ was rescheduled, it wasn't because of _____ (as _____ unethically alleges). It was due to the court not initiating _____ transfer from the jail to the court.

D. _____ motion to withdraw as _____ counsel was not denied and was entered showing good cause stating the reasons for the withdrawal was due to _____ and a _____

E. _____ staff notified the court in advance that _____ was _____ And also notified the court that _____ could not be in attendance, in advance.

F. The [redacted] did not take place and was continued do to the fact that the court did not initiate [redacted] transportation from jail. [redacted] was not at the hearing because the court did not initiate [redacted] transportation. Because the court did not initiate [redacted] transportation from the jail to the court, the court was required to re-schedule the hearing to [redacted] on it's own motion.

G. The [redacted] Minute Entry of the [redacted] verifies the court was notified in advance by [redacted] staff that [redacted] was [redacted] was not in attendance. [redacted] was not in attendance and he had been released from representing [redacted] The court granted respondent [redacted] motion to withdraw from [redacted] case by de facto, stating new counsel would be appointed.

H. The court continued the [redacted] based on it's own motion due to appointment of new counsel and [redacted] non- attendance due to not being transferred from the jail to the hearing, [redacted] because of the courts error.

The court did not lose any productive time or suffer any adverse impact due to [redacted] ethically seeking to withdraw from the case.

I. Court set a [redacted] Respondent filed a motion to appear telephonically. Again, [redacted] misrepresents that respondent filed a motion to appear telephonically [redacted] But this was not the case. filed a motion to appear telephonically [redacted] before the hearing did not just fail to appear at the hearing.

Respondent filed a motion to appear telephonically with the court due to he was mandated by a federal court in [redacted] to appear at the time on [redacted] due to the circumstances should have allowed respondent to appear telephonically. [redacted] portrayal that respondent failed to appear is a misrepresentation by the judge. [redacted] refused to grant telephonic appearance.

made every attempt to attend by telephone. denied
motion without explanation. The court was made
aware could attend telephonically but it was denied
He did not appear because denied the motion.

substituted legal counsel with attorney
filed a motion to withdraw from the case on
or about without any explanation and without showing up in court.
granted motion to withdraw the same day.
did not show the same fairness to . It is clear by
action that showed prejudice against Respondent. The Judge's conduct is
not only unethical, it is prejudicial and discriminatory in nature.

J. Another was set for claims
did not appear and did not contact the court. makes another
unethical misrepresentation. The court was advised in advance of
incapacitation and refused to reschedule the hearing.

The court was notified of the scheduled post-operative surgical procedure at the
which could not be rescheduled. The court was advised of
incapacitation and refused to accommodate him by simply
rescheduling the hearing. It's as if the judge were unethically & deliberately making it
impossible for

made every effort to accommodate and the court.