

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-146

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against her and gave legal advice to the opposing party.

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 19, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on July 19, 2017.

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

Commission on Judicial Conduct

1501 W Washington, Suite 229,
Phoenix, AZ 85007.

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2017 - 146

Dear Sirs

Please find enclosed details of a judge's bias.

The bias was recorded in the Official Transcript attached at the end of both the enclosed Motion to Reconsider, and the Affidavit.

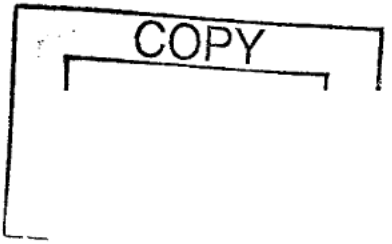
The _____ have disregarded the evidence of the judge's bias.

Sincerely

Enclosed: Motion to Reconsider; Court Ruling; Affidavit.

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Attorney: Pro se



**IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF**

Plaintiff

v

And

Defendants

§ CASE NO.:
§
§ (APPARENTLY
§ CONSOLIDATED TO
§
§
§ MOTION TO RECONSIDER
§ AFFIDAVIT TO REMOVE
§
§ FROM CASE
§
§ FOR CAUSE: GIVING BIASED
§ LEGAL ADVICE TO ONLY
ONE PARTY

(HON.

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Pursuant to Arizona Revised Statutes 12-409 B 5,
requests that the Honorable Court reconsider its decision of _____ not to
remove Judge _____ from aforesaid cases. A.R.S. 12-409 B 5.
Arizona Rules of Civil Procedure 42.2 .

Bias against _____ is evident as indicated by the facts below.
A.R.S. 12-409 B 5. Arizona Rules of Civil Procedure 42.2 .

The following evidence of bias is taken from the Official Transcript of the
Hearing that was held on _____

The Official Transcript was provided to _____ on _____
Evidence of the judge's bias against _____ was provided on _____

_____ original Affidavit was **timely** because Judge _____
substantiated bias towards _____ was **only discovered** on _____

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denied the Petitioner's Motion
and Affidavit to Remove Judge _____, without addressing the key
points made in the Affidavit.

_____ merely cited numerous cases. She did not address the
key points made in the Affidavit.

Giving legal advice to one party only which is detrimental to the other party
is clear and convincing evidence (a preponderance of the evidence) of bias.
State v. Medina, 193 Ariz. 504, ¶ 11, 975 P.2d 94, 100 (1999).

Judge _____ gave legal advice to _____ and
that they could have their fees paid by _____

This is clear from the words of _____ : "
_____ "

_____ understood that he could be paid his fees from the Trust.

Judge _____ advised _____ that he could get his fees
from _____

Judge _____ advice was detrimental to _____

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A judge's advice which is detrimental to one party is evidence of a
" " towards . This means bias.
In re Guardianship of Styer, 24 Ariz. App. 148, 151, 536 P.2d 717, 720 (1975).
State v. Medina, 193 Ariz. 504, ¶ 11, 975 P.2d 94, 100 (1999).

Judge awarded fees to a party that did not request the fees. He
awarded fees to a party that did not think that they could be awarded the fees,
as the Transcript proves.

Judge ; legal advice was to the detriment of the Petitioner,

Judge ; legal advice displayed a "

". *State v. Henry*, 189 Ariz. 542, 546, 944 P.2d 57, 61 (1997),

cited *Smith v. Smith*, 115 Ariz. 299, 303, 564
P.2d 1266, 1270 (App. 1977) as authority.

However, in *Smith* the Appellant did not provide a Transcript.
provided specific and pertinent excerpts from the Official Transcript, as
explained meticulously below.

**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.**