

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-052

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge improperly incarcerated her and made improper distributions in an estate 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).

Dated: April 11, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on April 11, 2018.

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

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2018-052

For an approximate period I was my family's hospice caregiver. I did this alone, a point my brother's attorney, thought important to raise in . He did so in the first hearing.

My brother and sister both live They visited only very periodically over the plus years I resided in with both our parents. While my sister visited more frequently than our brother, my brother's visits were always more sincere and loving, while our sister's were very tense, very stressful. When my husband was dying and working on his will his attorney asked how he was feeling on one of our visits. (My husband was well enough still to go out). My husband, complained to that my sister wouldn't leave us alone always wanting me to come over and go through my mom's shoes and draws looking for mom's fine jewelry, and other harassments by of my mom and dad. My husband did not feel well and needed peace, as did I, so he vented when asked him that question.

asked several questions and then told us he was obligated to report to for exploiting my parents. My husband and I were present when made the call and report of exploitation on of her/my parents. That she was reported by for exploiting both of our parents was never allowed as evidence in this case regarding the credibility of the Plaintiff as well as her motive in suing siblings after the death of our last parent seems grossly wrong and misleading regarding her intentions. As long as this judge granted the case having merit, he really needed to know who the plaintiff was/is.

This, if allowed in court, would have evidenced ill found motives or questionable character. Our father's will clearly states and calls for a division of various cash forms, assets and property by 1/3 and this portion going to each of us siblings. ruling in the matter resulted in receiving approximately dollars in tangible assets, my brother receiving only approximately dollars in tangible assets and myself receiving a paltry approximation of only dollars in tangible assets.

If purpose was to ensure my father's last wishes were honored, he failed. If his purpose was to erroneously co-sign on and remunerate my sister's greedy over reach, he would be deemed most certainly complicit with her. Simple math relative to various value assignments provided the Judge would have him arrive at a fair formula calling for each child in the matter to receive around lollars in tangible assets as per our Father's wishes.

Why ever allowed this this case to come before his bench is a mystery. There was a long standing written and verbal agreement between all of us children regarding the dividing up of this remaining estate. is on record as intending to abide by this agreement. She never did. When it came time for the three of us to abide by our father's last wishes brought suit against myself and her brother instead. My sister's attorney, knew his client had never complied with the family agreement or her own father's will. This attorney took the case anyway. My brother and I had full intentions of complying and really wanted to do this out of respect for our parent's last wishes. All of which is evident in email exchanges on record in the case file. My sister retained a burnt out attorney who brought the case before an easily befuddled Judge with a simple arithmetic deficiencies so she could rip off both my self and my brother.

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In the history of this case I could only afford an attorney on 4 hearing dates. Each time these lawyers asked for retainers. The Judge's ruling on the case resulted in me paying my sister's attorney's fees, another out of pocket for me. Any costs regarding the repairs done on our parent's home before selling was to have contributed. She did not. She was to contribute dollars to help with our parent's. She did not. A fairer distribution of the value of this estate would have resulted in me receiving in addition to the in tangible assets deemed appropriate with his biased ruling. I incurred all of storage unit fee's. This was: This case and strange adjudication have cost me dollars.

I have not yet arrived at the part in which heavy hand cost me a high paying job.

I had faith enough in due process to think I could represent my self. My faith would soon be crushed. I did not wish to pay any more attorney's retainers. I took this case on my self. At the time I worked several 12 hours shifts a week. I had a very heavily populated client schedule as a at a local. I made every court date relative to this case, nonetheless. I missed a single appearance in those 2 years of hearings.

Upon arrival at the next hearing date instead of fining me for missing the last court date (a more common practice by judges), had me hand cuffed and arrested. I, a old, who had just spent the last 3 years watching her husband of almost 20 years, her mother and father all die -close at hand- as a care giver. The Judge threw me in jail. I was unduly incarcerated with all the attendant abuses and humiliations one is made a subject of while behind bars in for the equivalent of 3 days. This cost me a a year professionally licensed job for the obvious reason of: "abandonment". As had me lead away and out of his court room he said with a more then apparent level of anger and animosity towards me, "Frankly, I question your credibility" - this from a Judge treating an upstanding professional senior citizen like a criminal in a familial estate civil matter that evidently also has a basic arithmetic deficiency.

I believe review of what happened in Court room is in order. What I have detailed here I am certain indicates the emotional toll this has taken on me. The cost in lost wages and the accumulative loss incurred as a result of this case and how it was settled is estimable, as well. An average 8th grade math student would have done better.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
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FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name**

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

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Addendum to Complaint regarding

and

by

Included herein are copies of Estate Documentation relative
and their children.

The images indicate by signature and otherwise where specific items were to go among the children identified in this case. The weaponry that was assigned to my brother, by my father ended up with my brother –as per The jewelry that was to go to me –as per our parent’s signatures on these documents and their images- was sanctimoniously given away to my sister, by the judge. These are two examples of callous and arbitrary behaviors towards me in this case.

The weaponry was removed from my house by my brother while these weapons were under TRO in the case. The Judge was aware of this and had no issue with my taking these items home before anything in this case was settled. It was clearly a violation by the Judge of his own order. repeatedly looked in the opposite direction of many of our parent’s last wishes. Where the jewelry ended up in this case speaks for itself. Records in this case will attest further this egregiousness and more of its kind.

These images show by our parent’s signatures where specific items were to end up among the children in this case.

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