

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-093

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him and made improper rulings in a family 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: May 23, 2018

Copies of this order were distributed to all appropriate persons on May 23, 2018.

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

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2018-093

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.

Please see attached.

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Re:

To Whom This May Concern:

filed a Petition for Dissolution with the
. The case was subsequently assigned to

Petitioner filed a Motion for Temporary Orders Re: Expense Payments and set a Return Hearing was set on . A Motion to Continue was filed as the Petitioner's counsel had a previously scheduled Juvenile trial. The return hearing was re-scheduled until . During that time frame, the Respondent's counsel filed a Motion to Dismiss the Petitioner's Motion for Temporary Orders Re: Expense Payments.

In its Motion, the Petitioner explained to the court that there was a substantial difference between the Petitioner and Respondent's income (Petitioner made per year while the Respondent made per year and the Petitioner was ordered to move out of the marital residence incurring a substantial amount of expenses). The Petitioner had deducted from his monthly paycheck, and when there were 3 payroll periods, was deducted to pay for the Respondent's healthcare and a 401K loan that the Petitioner took out to pay off credit cards for the Respondent. Despite the enormous gap in income, denied the Petitioner's Motion for Temporary Orders Re: Expense Payments and granted the Respondent's Motion to Dismiss which caused a severe financial hardship for the Petitioner. ***This is the first order issued in favor of the Respondent and against the Petitioner.***

On the Respondent's counsel filed a Motion to compel discovery despite Petitioner turning over 1700 pages of discovery to Respondent and his counsel. On

Petitioner's counsel filed its Response to the Motion to Compel and informed the court that we had produced a substantial amount of documents and within that production informed the court that the Respondent and his counsel had engaged in Spoliation and destroyed the same documents they were seeking in discovery. Despite, Petitioner's counsel informing

that Respondent destroyed Petitioner's vital and legal documents from his without permission or even foreknowledge, ruled in favor of the Respondent for the second time and condoned the Destruction of Key Evidence.

had a legal obligation to preserve all documents and electronically stored information that relate in any way to this dissolution and inform of the same. Relevant documents must not be destroyed, even if they are scheduled for destruction. Despite representation of , he admitted he destroyed and shredded key evidence.

Furthermore, on [redacted] filed a Motion to Compel Discovery for the same discovery that [redacted] admitted to shredding. Even more troubling are the facts and timing surrounding [redacted] admission of his failure to preserve critical evidence in this case. Throughout this time period, and upon information and belief, [redacted] knew that [redacted] had destroyed the relevant [redacted] files because the Petitioner produced communications from [redacted] regarding the Shredding of [redacted] on [redacted] to [redacted]. Despite the Petitioner producing evidence of Spoliation and the Destruction of Key and Material Evidence, [redacted] still filed her Motion to Compel Discovery with the Court on [redacted] but chose to remain silent about the destruction of key evidence. [redacted] ruled in favor of the Respondent for the Motion to compel. ***This is the second order ruled in favor of the Respondent and against the Petitioner.***

In addition, [redacted] granted [redacted] of attorney's fees against the Petitioner to be paid directly to [redacted]. ***This is the third order issued in favor of the Respondent and against the Petitioner.***

After three consecutive unfavorable orders issued against the Petitioner, [redacted] displayed an obvious bias toward [redacted] and his counsel. Therefore, [redacted] started seeking counsel and requesting referrals because he knew [redacted] would continue to be unfavorable and bias toward [redacted]. As a result of [redacted] rulings, [redacted] began to wonder if there was an inappropriate relationship between [redacted] and the Respondent's counsel, [redacted] because he favored her in a consistent fashion.

[redacted] filed a Motion for [redacted] to Withdraw as Counsel and requested that he have six weeks to obtain new counsel. It was clear to the Petitioner and his counsel there was an obvious bias by [redacted] against the Petitioner and his counsel as he rejected every motion they filed with the court.

[redacted] issued a Minute Entry denying the Petitioner's extension to obtain legal counsel, yet another example of his improper consideration and treatment toward the Petitioner. ***This is the fourth order ruling against the Petitioner.***

The Petitioner attempted to find an attorney who had a professional and positive relationship with [redacted] because every time a minute entry or order was issued, it was against the Petitioner and in favor of the Respondent.

[redacted] issued a Minute Entry setting the case for trial on [redacted] despite knowing that the Petitioner was without counsel. ***Another example of improper consideration and treatment toward the Petitioner.***

The Respondent's counsel filed a Motion for Summary Judgment (which is highly uncommon in family law) and the Petitioner's new Counsel responded on [redacted]

informs Petitioner and Respondent's counsel that he has vacated the trial and will hear oral arguments on the Motion to Compel and has re-set the trial until .

both parties appear for the oral arguments which took an entire 10 minutes and the judge inconvenienced all parties because the trial could have proceeded on the same day without the parties having to return and start the trial process all over again. After the oral arguments, had the parties come back into a conference room where he made the Petitioner, sit directly across from the Respondent, face to face, and we listened to talk about his career and how emotional divorces and expensive litigation can be.

In the Petitioner filed an Order of Protection against the Respondent and the granted Petitioner's Order of Protection for harassment, stalking, inappropriate behavior, tax fraud, and tax evasion and the preparation and filing of false tax returns for over to the and the
Please keep in mind, did not grant this Order of Protection.

During the conference after the oral arguments, made us convene in a small conference room. made me sit directly across from face to face, which was incredibly uncomfortable, but I knew, based on all of ruling's against me, I was afraid that if I spoke up and said how extremely uncomfortable I was being anywhere near he would rule against me again for the fifth time, or even worse, rule entirely in favor of the Respondent during this proceeding, so I kept my mouth shut. ***This is another example of improper consideration and bias treatment toward the Petitioner.***

issues another Minute Entry ***This is the Fifth order ruling against the Petitioner regarding the residence located at denied the Respondent's Motion for Summary Judgement on the division of student loan debt but then reversed his decision on during the settlement conference and wanted the parties to brief the same issue that was addressed in the Motion for Summary Judgement but deemed moot.***

set a settlement conference and again made me sit directly across the conference room table facing the same person that stalked and continued to harass me on a weekly basis, despite an Order of Protection being in place. Again, I kept my mouth shut because I knew at this point, was going to rule against me again. During the settlement conference I explained to my extreme concern regarding the issue of Taxes because the Respondent had hid over of income from the Court, with the assistance of his parents during the course of our marriage that I uncovered in

I explained that there needed to be a clause in the Tax Return section that in the event the [redacted] audited [redacted] that this court would retain jurisdiction to divide any tax amounts based on the Respondent's Tax Fraud. [redacted] refused to retain jurisdiction and now that section of the Settlement Agreement Reads; "both parties will agree to file their own [redacted]" This has placed me in a Joint and Several liable position with both the [redacted] because [redacted] refused to address the issue despite the court having jurisdiction over the Tax Returns. ***Another example of improper consideration and bias treatment toward the Petitioner.***

During the settlement conference [redacted] continued to display an obvious bias toward myself and I knew the exact direction this case was taking. [redacted] agreed with the Respondent and his counsel on every issue, and I began to wonder why my presence was even necessary.

[redacted] can argue that we entered into a Settlement Agreement on our own accord because we went on the record, before any settlement agreement was drafted, when in essence, it should be drafted first and then agreed to on the record so both parties are aware of what they are agreeing too and signing. But the history of all his unfavorable rulings tells another story. It tells a story of a Judge who is supposed to be reasonable, fair and impartial yet he lacked any consideration and was extremely biased toward me in each of the Minute Entries, Orders and the awarding of attorney's fees.

Based on all of his biased ruling over the course of the last year, making me sit directly across from the Petitioner during two conferences despite an Order of Protection in Place, that he had absolutely no consideration for me and his treatment toward me was improper.

In conclusion, I had to express what occurred in this case and report how unfavorable [redacted] was to me during this dissolution. I know that absolutely nothing will happen to [redacted] based on Judicial Immunity, no orders will change, but I do know, he will be provided a copy of this letter and I want him to know that he should take his role as a Judge and Civic Servant more seriously because his decisions impact people financially and emotionally. I hope that no other litigants are ruled against as unfavorably as [redacted] has ruled against myself.

Not one ounce of consideration was given on my behalf and I found [redacted] to be a completely unreasonable, unfair and biased judge who puts a litigant's safety in jeopardy by forcing the Petitioner to sit face to face, across the table on two occasions during a settlement conference, with the same individual who has stalked and harassed him on a regular basis.

As a result of all of [redacted] favorable rulings on behalf of the Respondent, [redacted] gave [redacted] even more power through intimidation because [redacted] knew no matter what, [redacted] would rule favorably for him, and [redacted] could continue to stalk and harass the Petitioner and hide over [redacted] of income from the [redacted] and the [redacted] because [redacted] would do absolutely nothing. And [redacted] did just that, absolutely nothing, despite the Respondent hiding over [redacted] of income from the [redacted]

**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.**