

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-326

Judge:

Complainant:

ORDER

January 15, 2020

The Complainant alleged a superior court judge was biased against her clients, engaged in “unacceptable behavior,” and improperly filed a bar complaint against her.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer’s legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member George H. Foster, Jr. did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 15, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019 - 326

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.

The Judicial Canon No. 2 provides that A Judge shall perform the Duties of Judicial Office Impartially, Competently and Diligently.

Judge _____ from the inception of this case, when _____ and _____ filed a Petition for Grandparents Rights, has failed to act with diligence. She allowed the Respondent to cruelly cut off visitation between young grandchildren and their grandparents with no consequences whatsoever for many _____ She favored the mother's rights at all times. The mother had filed an Injunction against Harassment in _____ which another Judge had found was without merit. The Court docket shows my Amended Complaint was filed on _____ with an affidavit of service on the children's mother. Despite my filing of the following: _____ Statement, Parents Worksheet for Child Support, and Affidavit of Financial Information, (all copies attached hereto) on _____ the Respondent does not act until _____ Prior to _____ Respondent has no attorney file an appearance in the matter before Judge _____ The night before the matter before Judge _____ I phoned Respondent and spoke to her father, as I had done many times in the past because she chose to proceed without representation, and advised him that I was very sick and could not attend court. Since she was unrepresented in that matter, there was nothing improper about that call. I _____ prescriptions, which were partially _____ and something I never take, so my voice was _____ on that day and probably the next. _____ then went to court and gave the court the personal information, not of the father of the child, _____ but the Grandfather, _____ She gave his Employer, and Social Security number. As his attorney, I do not even know his employer. There was no other person present who could have done that. And then, just a convenient coincidence, her attorney on the matter before Judge _____ files her appearance later that same day on the Judge _____ matter. I immediately filed a motion to vacate Judge _____ order and it was vacated. I also personally paid the fine for missing court. I was at all times dilligent and responsible.

When I argued to Judge _____ that Ms. _____ had engaged in Identity Theft, which is a Felony in Arizona, Judge _____ never responded to this serious allegation and focused on my behavior in making a phone call to the Respondent the _____ before the hearing.

Judge _____ from the very first hearing has demonstrated the following behaviors which are completely unacceptable from a judge: intimidating and hostile body language and tone of voice, _____ around and moving around in her chair as if she is about to explode in anger, _____ repeatedly to my clients and to me, and facial expressions that I have never seen from a judge in my _____ of practice.

I was married to a highly esteemed judge and law professor before his death, back in _____ Before graduation from _____ I was the first Law student selected to be the law clerk for the Presiding Judge of the _____ one of the largest integrated law courts in the United States. I have worked with hundreds of judges. I have never been bullied ONCE until now.

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Now I have to answer _____ complaint from Judge _____ and _____

I enclose all of the relevant documents.

I have never even considered filing a complaint against a Judge but Judge _____ judicial temperament is unhinged and unstable and I suspect that she has some kind of personal relationship with counsel for Respondent. The Respondent consistently claimed she could _____ We tried to settle this as efficiently as possible. I only charged the _____ for almost a _____ worth of work. The _____ offered to help the children's mother with money for the children.

All of a sudden, in comes Ms. _____ and in _____, she bills _____ on this case. I would like a hearing on this matter and to find out if there is a relationship between Judge _____ and Ms. _____ who may have been assured that she would get paid if she would appear and help the poor helpless mother.

I have been slandered by this Judge who is claiming that I am "_____" . I used _____ once for a cough, prescribed by my doctor (_____)
She is targeting me because I refuse to be disrespected by her or by my client.
She appears to be unaware of the following attorney Ethical Rules:

ER 1.2(d)(2) and ER 1.16(a)(3) a lawyer may withdraw over a fundamental disagreement with a client. I was required to file _____ motions to withdraw from the case. I did not want to reveal client confidences. When I filed the _____ motion to withdraw, _____ " _____ " me to withdraw, then filed a _____ Complaint. She is clearly violating my right to exercise my own professional judgment and ethical standards and should be disciplined for this action alone.

ER 1.2 Allows a lawyer personal discretion to exercise the professional judgment in determining how a matter is to be pursued. When a _____ was entered, I acted with diligence and vacated it immediately and paid the fee personally for my failure to appear. I did not respond to an earlier motion that the Judge ' _____ ' me to respond to because I knew it would be denied. I told my clients to get another attorney to do it and they refused. I answered it and _____ denied it. She likes to play games and I don't . To act with reasonable diligence does not mean to use offensive tactics or futile tactics.

It also does not mean that I have to do work
I enclose the documents which show by the clients own words what he paid me.
Yet in his complaint, he states that he paid me more money.
His own words show that he is not truthful, and is one of the reasons I withdrew.
I also include the answers to the complaints to the _____ for all
Judge _____ has a straightforward task here and that is to take control of the parties and reach a compromise. She is incapable of doing her job, that is to stay calm, objective, dignified, and fair.

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Licensed in: ♦ State of Arizona ♦
♦

Re: Complaint:
Judge

Dear Mr. :

I would like to respond to this complaint by following each page of the Complaint with an Exhibit in support of my answer to that statement or issue. I have also written on the Exhibits or highlighted information in response.

The first document is letter

I did write that letter.

I was speaking the truth about what clients have said about I have already apologized.
so protective of this client and her attorney and why is she so anxious to see her be Why is Judge
such exorbitant fees?

Why is Judge so eager to ignore the obvious wrongdoing of ?

Then the Judge's package includes a written
by which I have **never** seen before. Apparently she takes issue with the fact
that a went to the so she decides that she
can write letters to the court now. This is the same lawyer who claims that I
bullied her, without stating a single fact or incident in support of such an allegation.

The next document in the package shows that I filed a Motion for Civil Contempt based on
hearing before Commissioner in which an order was entered
against the Grandfather, of the children which includes his employer and
social security number.

(Exhibit attached)

Yet, Judge [redacted] in her order of [redacted] states as follows:

...

Judge [redacted] has made a false statement and refused to hold the Respondent liable for [redacted] to the court. How else would the court be provided with his employer and his social security number but [redacted]? Why else did [redacted] office wait until [redacted] to file their appearance? Why is Judge [redacted] so anxious to protect [redacted]?

And does she not know the [redacted] Rules of Ethics? Does she not know that I am entitled to [redacted]? That I do not serve " [redacted] "?

I have never been treated in this way by a Judge and I will be most happy to appear at a [redacted] My behavior has not been perfect but I have not intentionally lied in a court of law. I made [redacted] for which I have apologized.

When I cannot [redacted] that I believe is appropriate, I will not continue, and certainly when I am not being paid. This is the ultimate proof of " [redacted] "

[redacted] will not bully me into working for nothing in the way he wants me to work, nor will Judge [redacted]

Please dismiss all of these complaints.

Thank you for your time [redacted]

COURT OF ARIZONA

FROM THE CHAMBERS OF

Re:

Dear Ms.

I am writing about _____ who represented
("Grandparents") in a Grandparents' visitation case _____ Ms. _____ filed a
Petition for Grandparent Visitation on _____ against Mother. Mother was self-
represented until just before the evidentiary hearing. at which time she retained _____
_____ is counsel of
record.

Ms. _____ throughout these proceedings has been shockingly unprofessional.
She engaged in _____ with Mother while Mother was represented, launched
several _____ on Mother's counsel, made baseless allegations against Mother,
made misrepresentations to the Court, and used her status as an
Mother ("

").

I have attached the following materials which I believe amply illustrate my concerns
about Ms.

1. A recording of the _____ hearing on
admitted that _____ Mother and left _____ that her
_____ were incompetent and received poor reviews on the _____
2. A letter dated _____ from Ms. _____ to me in which she:

**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.**