

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-361

Judge:

Complainant:

ORDER

February 19, 2020

The Complainant alleged a superior court commissioner exhibited racial bias and unprofessionalism in a probate matter.

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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 19, 2020.

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

FOR OFFICE USE ONLY

2019-361

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.

This is a formal complaint against Arizona Superior Court Commissioner _____ regarding racial discrimination and unprofessionalism. The commissioner has been found to be racially discriminating and unprofessional for the following reasons. Commissioner _____ was assigned to case _____ concerning the estate of _____ with an evidentiary hearing being set to determine a petition for supervised probation of the Personal Representative of the estate from one of the deceased' heirs' _____ Commissioner _____ has treated the Personal Representative in this case in an openly racially discriminatory and unprofessional manner all throughout each scheduled hearing ,and ultimately has expressed racially discriminatory ,stereotypical and sexist ideas towards _____ in her rulings and way of conducting hearings.

_____ has only spoke to _____ in a condescending, over- elevated tone, as though she believes that _____ is a small child and has repeatedly and without warrant accused the Personal Representative _____ of lying and expressed that she hoped that it was _____ that has to be ruled against each time.

_____ first accused _____ of breaking the law,by recording _____ own conversations with other parties. _____ has presented recorded evidence to the court that contradicts all of the Petitioner _____ testimony that is the base of _____ Petition for Supervised probation and shows that _____ petition should be denied..When presented with a description of this evidence, _____ used _____ over _____ of the first in person court hearing to repeatedly ask _____ if it was legal to record her conversations with others and threatened _____ that she could have _____ arrested,and even commented that she would " _____ the parties that _____ recorded that they were recorded and harassed that she was " _____ ". _____ asserted that _____ has spent over _____ working with various experienced attorneys and reviewing law on her own and was confident that it was legal to record her on conversations with others. _____ advanced the intimidating harassing conversation by asking _____ if she knew if it was legal to bring the recorded documents to a court for evidence and further tried to intimidate _____ by stating that she was leaving the hearing to go check and see if _____ had broken the law and said to _____ that even though _____ was not an attorney or didn't intentionally break the law that _____ could still be held accountable for breaking the law by recording her own conversations. _____ then returned,seemingly laughing to herself and advised the court that she had found that it was not against the law to record your own conversations and then use the document for evidence ,as _____ had understood _____ has made an effort to be increasingly harassing and intimidating toward _____ After finding the _____ recordings were legal. _____ then heard a part of _____ testimony that _____ believed that she had not been mailed several different documents concerning the case. _____ immediately started staring at _____ and acting as though she was growing angry at _____ even after _____ used an opportunity to explain that she had mailed all of the documents via certified mail and that they continued to be returned due to being left at the post office. _____ continued to speak to _____ in this manner and as though she was going to scream at _____ for no other apparent reason,regardless of how professional or polite _____ was or what documents _____ was able to present to show her testimony was factual and _____ was not. _____ agreed to mail a particular document of recordings to _____ and _____ did.It was later found that _____ did not pick up any of the mail and

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the remailed document was returned to _____ and _____ only picked up the original document that she accused _____ of never mailing to her _____ :ontinued to speak to _____ in the same manner and implied that she was waiting for _____ to be at fault. _____ treated _____ n this manner (speaking to her as though _____ was lazy and need to get up somehow during _____ phone hearing held before the actual evidentiary hearing for supervised administration. All throughout the hearings and while closing and ruling on the evidentiary hearing, Commissioner _____ affirmed she was not genuinely considering my testimony and was making decisions for reasons unrelated to court hearing and even swatted me away as she was speaking at times as an expression of disrespect. Commissioner _____ repeatedly made like she was bursting out laughing in my face and like she wanted to say that I am stupid all throughout the evidentiary hearings in response to all of my responses to the courts questions regarding where I acquired evidence or information.

During the evidentiary hearing _____ repeatedly insulted me, that I was of low intelligence ,dishonest and violent for no reason other than to seem distract ,disrupt the evidentiary hearing with animosity and rudeness towards _____ repeatedly allowed _____ to interrupt me during my section of the evidentiary hearing,even interrupting me herself, after I asked _____ not to as I was in the middle of a thought. _____ agreed with _____ that I was asking the question over and over again when I had not asked the same question. ,I then commented that _____ had interrupted me during my question and I was losing track of thought. _____ then interrupted me on purpose so I would lose my train of thought and then I forgot my question. _____ laughed in response. The entire conversation and discussion during the hearing was rude and unprofessional because of Commissioner _____ then commented later that she believed that was not intelligent enough to know be educated on the probate matter and that I was only asking a question about a matter concerning the distribution order because it was mentioned a few minutes earlier, and that I did not really know anything about it. It was actually that _____ knew about the distribution order because I had mentioned it to _____ outside of court. This insult was made to me after ,I had established that I had met with several attorneys over the last _____ as a means to be educated and prepared about the matter of probate. So, Commissioner _____ again admitted that she had not been actually been considering or paying attention during the proceedings or hearing and was planning to make decisions about the probates case that would be based on matters unrelated to the Court or the probate case and based on _____ own preconceive notions about _____ how they should be treated because of their ethnic group. During the evidentiary hearing, I mentioned multiple times that I was financially able and willing to make the need repairs to the house of the estate of the deceased, that would be needed to maintain or ultimately sell the home so that it could be distributed as the law requires. I mentioned multiple times that the house would be lived in before being sold to make repairs I state that my pan would be to get the house appraised and get professional estimates to get it fixed and then pay for the repairs. At the end of the evidentiary hearing ,Commissioner _____ ordered that no one, would live in the house after _____ was asked to move out for any reason, because the law stated that if none of the deceased heirs got along, that putting the house into everyone's name instead of selling it would be a bad idea. This was an unprofessional, unethical order, as Commissioner _____ was only given the impression during the proceedings, that the heirs did

her testimony was factual and [redacted] was not [redacted] agreed to mail a particular document of recordings to [redacted] and [redacted] did. It was later found that [redacted] did not pick up any of the mail and the remailed document was returned to [redacted] only picked up the original document that she accused [redacted] of never mailing to her. [redacted] continued to speak to [redacted] in the same manner and implied that she was waiting for [redacted] to be at fault. [redacted] created [redacted] in this manner (speaking to her as though [redacted] was lazy and need to get up somehow during [redacted] held before the actual evidentiary hearing for supervised administration. All throughout the hearings and while closing and ruling on the evidentiary hearing, Commissioner [redacted] affirmed she was not genuinely considering my testimony and was making decisions for reasons unrelated to court hearing and even swatted me away as she was speaking at times as an expression of disrespect. Commissioner [redacted] repeatedly made like she was bursting out laughing in my face and like she wanted to say that I am stupid all throughout the evidentiary hearings in response to all of my responses to the courts questions regarding where I acquired evidence or information.

During the evidentiary hearing, [redacted] repeatedly insulted me, that I was of low intelligence, dishonest and violent for no reason other than to seem distract, disrupt the evidentiary hearing with animosity and rudeness towards [redacted] repeatedly allowed [redacted] to interrupt me during my section of the evidentiary hearing, even interrupting me herself, after I asked [redacted] not to as I was in the middle of a thought [redacted] agreed with [redacted] that I was asking the question over and over again when I had not asked the same question. I then commented that [redacted] had interrupted me during my question and I was losing track of thought. [redacted] then interrupted me on purpose so I would lose my train of thought and then I forgot my question [redacted] laughed in response. The entire conversation and discussion during the hearing was rude and unprofessional because of Commissioner [redacted] then commented later that she believed that [redacted] was not intelligent enough to know be educated on the probate matter and that I was only asking a question about a matter concerning the distribution order because it was mentioned a few minutes earlier, and that I did not really know anything about it. It was actually that [redacted] knew about the distribution order because I had mentioned it to [redacted] outside of court. This insult was made to me after [redacted] I had established that I had met with several attorneys over the last [redacted] as a means to be educated and prepared about the matter of probate. So, Commissioner [redacted] again admitted that she had not been actually been considering or paying attention during the proceedings or hearing and was planning to make decisions about the probates case that would be based on matters unrelated to the Court or the probate case and based on [redacted] own preconceive notions about [redacted] how they should be treated because of their ethnic group.

During the evidentiary hearing, I mentioned multiple times that I was financially able and willing to make the need repairs to the house of the estate of the deceased, that would be needed to maintain or ultimately sell the home so that it could be distributed as the law requires. I mentioned multiple times that the house would be lived in before being sold to make repairs I state that my plan would be to get the house appraised and get professional estimates to get it fixed and then pay for the repairs. At the end of the evidentiary hearing, Commissioner [redacted] ordered that no one, would live in the house after [redacted] was asked to move out for any reason, because the law stated that if none of the deceased heirs got along, that putting the house into everyone's name instead of selling it would be a bad idea. This was an unprofessional, unethical order, as Commissioner [redacted] was only given the impression during the proceedings, that the heirs did get along and were working via instant messenger to come to an agreement, and that our only disagreement at the time had to do with whether or not [redacted] would allowed to become the owner of the estate by "squatter" law, which was [redacted] goal, which lead to the filing of the estate into probate. It was never said at anytime during the hearing the at the heirs did not get along other wise or in some way that no one could live in the house or live

there together. Commissioner [redacted] ordered that no one would live there before it was sold at all for any reason, and when I commented that, as I had mentioned several times, my moving in to the property would be as a means to make repairs to the house to get it sold faster and at its highest total value, [redacted] replied that the Court did not have time to wait for me to personally finish using a " [redacted] ' on the house. The language and mannerisms used towards me were perceived by all parties at the hearing as very condescending inappropriate and

unprofessional comment to make from the stand, and was so unrelated to the proceeding and meant to make me feel angry and insulted, that it was an act of sexual harassment. A different commissioner, Commissioner [redacted] was presiding at the beginning of this probate case and stated multiple times that the court did not require heirs to be nice or particularly polite to one another and that the court did not involve itself in matters concerning who lives in the house of the deceased. Commissioner [redacted] did rule on this matter, of who lives in the home, and it was based on " [redacted]

[redacted], which was unethical and unprofessional. [redacted] then stated to me that if I were to request a time frame be granted to me to live in the home to make repairs to it before it is sold at a particular time ordered time, that she would deny the distribution order because we already discussed what was going to be done during the current hearing. This was unprofessional and unethical, as, it was clear to [redacted] that the heirs were still discussing what would be requested in the distribution order. Overall, the entire order was unlawful and unprofessional, as [redacted] made the order based on preconceived notions [redacted] has about [redacted] and not on the customs of/ facts presented before the [redacted] of the Arizona Superior Court. When I stated in rebuttal of the preemptive order, that I had not indicated that the heirs did not get along, [redacted] replied that she " [redacted] " what she was doing to us and the probate estate (IE; she was saying she knows how to handle patrons such as myself and would make her order based on her personal ideas about [redacted]). I had explained to Commissioner [redacted] that over the last [redacted] I had spent thousands of dollars consulting with attorney about different matters and for the last [redacted] I had spent time with attorneys about this [redacted] overseen by the Commissioner. I had also mentioned that I had used volunteer legal services as well in addition to the [redacted] program. Even though all of my legal advice has been shown to be correct, Commissioner [redacted] has repeatedly stated that because I had not actually retained an attorney that the legal advice I was provided could not be respected in court and is like hearsay. I believe that this was just an additional act of unprofessionalism by the Commissioner, in addition to [redacted]. In one discussion in particular, Commissioner [redacted] said [redacted]; that because the attorneys that I received legal advice from were volunteers that made legal advice provided time from them unreliable. Everytime I would recite a or accurate legal advice, [redacted] would reply that the attorneys were volunteers but would not state an actual argument to any information that I shared. There was a time in the hearing when a patron who was a Well Dressed [redacted] entered the courtroom. Commissioner [redacted] spoke to her in an condescending tone as she had spoken to myself, [redacted] and the petitioner [redacted]. Less than [redacted] later, a [redacted] and [redacted] entered the courtroom and asked for directions and Commissioner [redacted] spoke to them in a completely different tone and treated them with courtesy and respect that she witnessed done during any interaction with myself or [redacted] over the phone or otherwise. The manner in which Commissioner [redacted] uses to speak to [redacted] patrons is racist. The employees of this division of the court have all made an effort to, upon an initial meeting of me, express sexual attraction to me, and make sexual overtures to me, and express whether or not they find me more attractive than [redacted]

These interactions have been accompanied or followed by the same employees making actions or comments that are of a personal nature or meant to summon a personal response from me. For example, At the first [redacted] hearing, I explained that my [redacted] case was tardy, and so by law there was no bond required, the presiding judge at the time, [redacted] ignored this and set a bond for [redacted]

When I filed a motion to have it removed, [redacted] denied it stating that the bond would be kept in place simply because we had already discussed the bond. It was also said to me by a judge's assistant, when (before filing the same motion) I asked if a statute could be overridden somehow, that the judge is a judicial officer and so" [redacted]. This division has continued to communicate with me in this manner, doing and making comments to express attraction to me and to get a reaction from me or [redacted]. I have even clarified during testimony that my family and I are from the [redacted] in an effort to reduce unwelcome attention from Commissioner [redacted] who, if isn't ignoring facts of the case to be impressively rude to me, is (in some unprofessional manner) trying to see if I'm feeling embarrassed or if I'm lying, and has implied that I was running out of time to reciprocate the personal/sexual interaction or her treatment of my case would get worse. In addition, on [redacted] different occasions, I've visited this division of the court, which is on the [redacted] Superior courthouse and witnessed an overwhelming smell of marijuana. I have been concerned, insulted and offended by this as well.

I filed a Motion for Reconsideration requesting that I the personal representative be allowed to live in the house for at least [redacted] while it is pending sale, due to the need to cover costs for lighting and water in the house as it is being repaired and pending sale. Commissioner [redacted] denied the order, stating that she observed that all sides of the hearing were using living in the house to hurt or intimidate one or the other and as a weapon. Commissioner [redacted] did not observe personal representative doing such, which was a part of my own defense, and was not observed intimidating or threatening anyone. At most [redacted] accusations about the personal representative were shown to be misunderstanding where [redacted] had not been reading the chat thread and took comments of the personal representative out of context. Again, at the Phonecall hearing on [redacted] Commissioner [redacted] spoke to the personal representative and [redacted] as though they were little girls, spoke to [redacted] in a rap music tone at points during the short hearing and laughed at [redacted] while she was setting the next in person hearing. My experience with abusive, discriminatory treatment of the law and myself by this commissioner, has demonstrated that Commissioner [redacted] and all of her cases should be thoroughly investigated and reviewed. I am willing to provide more information if needed upon request. I look forward to hearing back from you regarding this matter. Thank you.