

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-337

Judge:

Complainants:

ORDER

February 24, 2021

The Complainants alleged a superior court judge engaged in ex parte communications, accepted a bribe, failed to issue timely rulings, altered the record, acted without having proper jurisdiction on more than one occasion, made a premature ruling, and made several erroneous legal rulings.

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 members Denise K. Aguilar and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 24, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

20-337

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

HISTORY OF LITIGATION

was retained by in as agent for (exhibit "1").
 Contemporaneously, and retained for transferring
 trustee status of the irrevocable asset trust (and) to
 () which served as the only trustee.

At some point in time decided to close the trust and award the only asset the trust
 contained to The trusts only asset was a bank account with
 containing approximate after the embezzlement of funds by
 relayed to his intent to close the trust, and relayed to the need to fund
 the trust back before made the unlawful expenditures. would then award the
 full amount of the trust to under a demonstrated needs hardship in accord with the
 guidelines of the irrevocable asset trust. In and
 were in excess of \$ of their known net worth. was aware of the funds the
 possessed, and awarded the fully funded bank account from the trust in the amount of
 \$ And under a false hardship.

was originally retained to handle a rental dispute for for tenant of
 nonpayment of rent. personally retained of and firm to
 represent and the rental dispute. Believing was of a moral reputation,
 filed litigation against and in the

In late the learned that had falsely claimed that
 was entitled to file suit against and case #
 the back rent. It was later discovered; and had never signed a lease with
 and had rented the property from and prior to the formation of

Further discovered, no payments from any tenants was ever made to
 explanation was and claims were time-barred due to
 the property being personally owned and not ownership by an or corporation at the time of
 leasing.

litigated the lawsuit against the for A few months before the case ended dismissed of the claims voluntarily. During the litigation with and and submitted forged documents in the litigation, *Supra*. , receives a phone call from police officer, officer was inquiring if had any information concerning stated to officer he did not have this information and he would need to speak with or the attorney who closed the trust and awarded the money to Ofc. spoke with and inquiring if there was any outside influence that could have caused money to be taken. had a conversation with the the recorded this conversation and gave copy to and See (**exhibit "2"**). The actions commenced by and caused the criminal investigation to be launched in and being the suspect. falsely awarding the assets from the irrevocable asset trust (JFIAT), created the situation where (the co- originator of the trust) could not meet the financial responsibility at her assisted living home in . This was due to the directions gave to take the money from (deceased brother) and personal bank accounts, to fund the trust bank account back to % amount at origination. These acts committed by and resulted in total financial net worth being \$.

The criminal investigation continued against . devised the plan to file a verified lawsuit against and in . This occurred on . stated on , the lawsuit was only for purposes to end the criminal investigation against him from . The understood this statement to mean that the litigation filed in was completely without merit. The stated the lawsuit was not to go forward after the criminal investigation had been dismissed. The stated would not listen to them and their wishes concerning the litigation against the .

Throughout the litigation, due to the claims being baseless, [redacted] forged and manufactured documents throughout the litigation. The [redacted] have identified almost [redacted] forged documents.

[redacted] knew he could not prove the allegations contained in the complaint (**see exhibit “3”**), the complaint fails to meet the Arizona pleading standards and fails to state a claim that relief can be granted. [redacted] and his clients from the outset of this litigation manufactured and forged

documents before and during discovery in the attempt to prove the claims in the complaint. The

[redacted] have discovered the forged documents and collected the documents that can be verified as false, and submitted in a motion to dismiss on [redacted] (**see exhibit “4”**). This motion was dismissed by [redacted] for not having a supporting declaration or affidavit. This was the first time the [redacted] had submitted a motion to remove [redacted] of provident law for the forged documents, and [redacted] sanctioned the [redacted] for the submission of the forged documents. [redacted] states in a minute entry that it was for the prior order judge [redacted] stated in his minute entry on [redacted] “

[redacted] . [redacted] ”. Any prior motion filed was for [redacted] as a necessary witness, Judge [redacted] was mistaken because the [redacted] had a prior attorney-client relationship with [redacted] (see *Exhibit 1*).

Subsequently, [redacted] awarded attorney’s fees (\$ [redacted]) for the [redacted] motion submitted on [redacted] (*Exhibit 4*), this document clearly states it is for **forged documents**, not [redacted] as **a necessary witness**. The [redacted] objected to sanctions for plaintiffs fraudulent documents on [redacted] . Because the [redacted] objected to the sanctions, [redacted] sanctioned the [redacted] again (\$ [redacted]).

No reasonable person would understand why the person offering to the court would be sanctioned for offering proof to the court of a litigant committing forgery and fraud. And then be sanctioned again for objecting to the sanctions. This is not reasonable by any standard. This was the first motion submitted to the court containing the opposing parties forged and fraudulent documents.

The [redacted] seen this is a violation of their due process rights, and filed claims in the district court of Arizona on [redacted]. [redacted] and [redacted] are named in the complaint, contemporaneously, a notice of removal was filed with the District Court of Arizona and notice was given to [redacted] as required by Federal Rules of Civil Procedure. [redacted] held a rule 16 comprehensive hearing on [redacted]. This hearing was motivated by her own goals and the goals of [redacted] (see exhibit "5"). [redacted] and [redacted] conspired to remove the [redacted] counterclaims ([redacted]), [redacted] struck the amended counterclaim claim in her minute entry [redacted], knowing, judge [redacted] allowed oral argument (Minute Entry [redacted]) on the amended counterclaim and had set a hearing on [redacted] just after [redacted] rotated to this litigation. "

Service of process on [redacted] occurred on [redacted], subsequently [redacted] grants the second award of attorney's fees for objecting to sanctions to plaintiffs forged documents. states "

[redacted]. This was not a sixth attempt at removal of [redacted] as a necessary witness, this was objecting to sanctions for offering proof to the court of the forged documents submitted by [redacted]. The [redacted] get sanctioned because the plaintiffs committed fraud on the court.

[redacted] e-signed the order written by [redacted] on [redacted]. The [redacted] understood this to be an award and to be decided after final settlement. Contrarily, [redacted] and [redacted] had different motives. [redacted], [redacted] and [redacted] communicated ex parte between the dates of [redacted] and [redacted]. This communication was intended to determine the course of the litigation.

[redacted] signed the second interlocutory award of fees on [redacted]

[redacted] extended dispositive motion deadlines to [redacted]. Although, according to the order granted by [redacted] " [redacted] " Order [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.**