

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-340

Judge:

Complainants:

ORDER

April 13, 2022

The Complainants alleged a superior court judge improperly sealed documents in a lawsuit in which they were defendants.

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 Louis Frank Dominguez and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 13, 2022.

Arizona Commission on Judicial Conduct

RE:

Dear Commission:

Judge [redacted] disregarded the courts' well-reasoned rules by single-handedly doing the bidding of a Plaintiff, citing no rational explanation for doing so. Judge [redacted] actions were blatantly open, without shame, and without fear of repercussions.

[redacted] brought a baseless defamation claim against us, claiming millions of dollars in damages. **EXHIBIT 1** While we were active clients of [redacted] at his urging we purchased an umbrella policy. Like so many others who had also purchased umbrella policies at [redacted] urging, we, like many others, were later sued or threatened with a lawsuit by [redacted] claiming defamation when those clients brought claims against him or spoke to the [redacted] **EXHIBIT 2**

Aside from the [redacted] claim we brought against [redacted] we also published a website republishing numerous public documents including past news articles written about [redacted] wrongdoing, government investigations, court records [redacted] claims, and various other documents that were available on the Internet. Prior to the publication of the website, there was no readily known organization where investors could search the record of a [redacted]. It was later when [redacted] were required to cite [redacted] when advertising. There was no defamation. **EXHIBIT 3**

[redacted] Complaint and numerous amended complaints were replete with vile falsehoods intended to destroy our reputations and ruin [redacted] career by causing the loss of his various security clearances which were vital to his employment. [redacted] was employed by [redacted]. His direct customers, with whom he interacted with daily, are various branches of the military and those service personnel.

Most detrimental to [redacted] employment was the very public, and completely untrue claim made by [redacted] that we disparaged [redacted] and had [redacted] in [redacted] (another of [redacted] past clients) into believing that [redacted] was guilty of stolen valor and using a false military record to generate trust and confidence to persuade clients to trust his recommendations'. **EXHIBIT 4** Later, [redacted] upped his completely baseless allegation that we made the same false statements to "many of his clients". As [redacted] work was directly with service members, and their trust in him was paramount to his relationships and interactions with them, such an allegation, if proven true, could be grounds for immediate termination. This fact was well-known by [redacted] and made aware to Judge [redacted] in a court filing.

We are bringing to your attention only two of the most blatant and illogical, unexplainable choices Judge made, indisputably acting as a servant to rather than honor to the Office he holds.

EXAMPLE ONE

Keep in mind that brought his claim into the public, making clear his contention that we made false statements that damaged his reputation and caused him of dollars in loss of income.

demanded a jury trial so that he could openly prove and show in the court that the documents and evidence published on the website were false and that we harmed him resulting in monetary loss.

was adamant against turning over any document that wasn't in our possession prior to him filing his complaint against us. He submitted to the court "assuming" narratives regarding his previous and future income. **EXHIBIT 5** Judge heard oral arguments from both sides regarding objections to produce documents.

devised a three part plan placing documents in separate categories—all of which were under a protective order IF was obligated by the court to produce those documents. Judge readily agreed to and adopted proposal, including protective order, without providing a reason for the protective order. This was **first protective order endorsed by judge**

EXHIBIT 6

Category 1 was financial records showing his past and present income. Keep in mind that Mr. was suing us for of dollars of lost wages. Also keep in mind that Mr had a long and sordid history of wrong-doing and his income rose and fell as he was discharged from one firm to the next. It was necessary to show that income variation as Mr. had been from firms just between the years

On Judge ruled that Mr didn't have to produce any documents from Category 1 because it wasn't Mr. had produced nothing but assumptions and scenarios of his income, which we were now expected to use in our defense to prove that we were not liable to Mr. for of dollars in lost income. **EXHIBIT 6**

Our attorneys were so flabbergasted by Judge ruling they moved for Reconsideration under the notion that

(Judge had conducted an in-camera review of the documents before arriving at his decision) **EXHIBIT 7**

Mr. failed to ever produce the said documents for this case. Interestingly, when Mr. was sued in for child support for a child he fathered with an , the court ordered Mr. to produce, for public record, many of the same financial records we requested, including Mr. going back as far as Obviously, Judge wasn't beholden to Mr. as Judge proved to be. **EXHIBIT 8**

EXAMPLE TWO

After flooding the court record with abhorrent false allegations against us, Mr. [redacted] demanded that Judge [redacted] seal the court records, shielding Mr. [redacted] from the public disclosure of evidence that proved Mr. [redacted] allegations against us were false. **EXHIBIT 9** But it gets worse, Judge [redacted] decided that we, the Defendants, would never have access to a multitude of documents Mr. [redacted] had yet to produce showing Mr. [redacted] long and consistent track record of wrongdoing. Judge [redacted] nepotism in favor of Mr. [redacted] was so over-the-top that he ruled that any discovery that could "harm" Mr. [redacted] in any way; "personal, financial or business", was designated as attorney eyes only. Evidence that revealed Mr. [redacted] wrongdoing would be kept from us to use in our defense, and hidden from public view! **EXHIBIT 10** Judge [redacted] kneecapped us to the level that we had to defend ourselves with our hands tied and our eyes blinded. We were barred from participating in, and being cognizant of the most important aspect of our case—our defense. Judge [redacted] prohibited our attorneys from doing their job—fully advising us of our case, leaving us unable to make informed decisions. Did Judge [redacted] really expect us to wait until trial to see the evidence and then make decisions on-the-fly during the trial? Did he expect our attorneys to make life-altering decisions for us without ever being able to tell us why they believed their decisions were in our best interest? **This created a massive communication void and a great distrust of the entire system.** Judge [redacted] didn't care about justice or being even-handed. He acted in the interest of only Mr. [redacted].

We, along with many of Mr. [redacted] past clients had been interviewed by a team of [redacted] investigators who traveled to [redacted] to interview us. We also had been called to the [redacted] Office of the FBI [redacted] received calls from the [redacted] of the Arizona [redacted] and the Arizona [redacted]. Each of these entities requested that we do not disclose our conversations with them. Mr. [redacted] demanded that we disclose in detail our dealings with these organizations. We followed the instructions of our attorneys and submitted a Privilege Log. **EXHIBIT 11**

Aside from evidence we obtained on our own, Judge [redacted] barred us from viewing documents relating to Mr. [redacted] termination from [redacted] the Heightened, and "revamped heightened" Supervision plan placed on Mr. [redacted] by his employers explaining why the plans were put in place, **EXHIBIT 12**, Mr. [redacted] violation of firm policies, the results of the investigation conducted by [redacted] Office of Fraud Detection, the results of the investigation conducted by [redacted] Security Examiner for the State of [redacted] Dept. of Regulatory Authorities, the results of the investigation into Mr. [redacted] record conducted by [redacted] while Mr. [redacted] was still employed by [redacted] letters and complaints sent to Mr. [redacted] employers by Mr. [redacted] clients claiming great losses to their portfolio while Mr. [redacted] was their [redacted] and more than other documents that were placed under Judge [redacted] Protective Order. Even documents not designated attorney eyes only were withheld from us. **EXHIBIT 13** Most notably however, was a letter concerning Mr. [redacted] early separation from the [redacted] and Mr. [redacted] redacted [redacted] citing Mr. [redacted].

EXHIBIT 14

We had not been aware of any aspect of Mr. [redacted] record until we met a group of Mr. [redacted] past clients in a [redacted] office in [redacted]. In that group were [redacted] and his daughter who

They had been long time clients, even considered to be friends of Mr. until he wiped out their retirement savings. passed away before he was able to bring a claim against Mr. The elderly Mrs was left with little to no savings. **EXHIBIT 15**

Mr. made hi

An important part of his personal and professional identity is built on his and
EXHIBIT 16

Our attorneys filed a motion with the court explaining the nature of Mr. employment and the threat to his security clearances and detriment to Mr. employment if Judge allows the false and damaging allegations stand in the court record while withholding from the public and Mr. employer, the evidence that shows the allegations made by Mr were untrue. **EXHIBIT Unable to locate/available in the court record; mentions made in exhibit 20**

During this time Mr. had been stripped of his Brokers license in all states. That was and is public record. **EXHIBIT 17** We were able to identify Disclosures that had been cited on Mr. while he was licensed as a Mr. has expunged all but Disclosures. He has continued to expunge Disclosures from his even after the of the specifically focusing on Mr. practice of erasing his wrongdoing from public record. **EXHIBIT 18**

Judge joined in with Mr strategy to hide wrongdoing. Rejecting the well-established bedrock legal principle of allowing access to court records, Judge chose to put in jeopardy Mr. employment to shield Mr. from the shame of the truth.

No. 5 of Judge Protective Order states: "Protected Material may be designated as "Highly Confidential—Attorney Eyes Only" if such material constitutes or claims, in whole or part, information that the Designating Party **reasonably believes will harm its personal, financial or business interests if the information set forth therein becomes known to a (sic) anyone** other than the Designating Party and all attorneys and/or experts in this action. A legitimate reason for designating material as "Highly Confidential—Attorney Eyes Only" is a party's concern that the other litigant **may** make that material public including posting the material on the Internet". Bolding mine. Refer to **EXHIBIT 19**

How could Mr. creditably claim he'd be harmed by making public the material that he avows proves we defamed him? If Mr. wasn't hiding wrongdoing why was he afraid to allow it to be viewed? Certainly Judge would have been savvy enough, and understood the damning and incriminating evidence he was reading "in camera", to realize Mr. was seeking the assistance of Judge to hide wrongdoing. This was pointed out many times to Judge Judge had to have known exactly what he was doing. **EXHIBIT 19**

Judge wrote that he based his decision on some future conjecture of which he has no way to predict. Furthermore, all evidence that showed the Defendants were innocent of the allegations brought against them was kept from them and the unwary public (possible future victims) which the courts are supposed to be protecting. Had the regulating authorities not acted and stripped away Mr.

licens would most likely still be allegedly harming the most venerable of our society—the elderly.

Our attorney's pleaded with Judge to allow and the Dept. of Defense, the entity that grants or revokes Security Clearances, to have access to the materials to protect Mr. clearances and employment. Concurrent with this litigation we were participating in arbitration with Mr. concerning the losses in our retirement account. Our attorney reminded Judge that these same documents that we were requesting of Mr were also necessary for the arbitration. Our attorney reminded Judge that it would be highly inefficient and a waste of resources (a huge financial burden on us to repeat this long, arduous and expensive process with Mr. if the Court refused to allow use of the materials for both cases. **EXHIBIT 20**

In response, Judge gave this reasoning for barring those entities from viewing the materials; again basing his decision on some future conjecture of which he has no way to predict:

Also, allowing a *party* to have access to documents designated for "attorney eyes only" defeats the purpose of such designation." **EXHIBIT 21**

Other third parties to whom Judge Griffin feared *could possibly* violate his protective order in the future were:

- The FBI
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- United States Department of Defense—Defense Investigative Services
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You read that correctly! Judge used the excuse to honor his Protective Order; therefore he alone ruled over and protect the material at the detriment of Mr. and at the behest of Mr. Furthermore, it would be difficult to disagree that Judge was hell-bent on making this litigation and the arbitration as expensive and insurmountable as possible for us. If that alone does not demonstrate that Judge is not fit to reside over the presumed justice of the court, nothing does.

Litigation terminated shortly before the scheduled trial. Mr. reached a "settlement agreement" with himself. He, not his lawyers, drew up a settlement agreement, withdrawing his claim with prejudice. Mr. signed it and sent it to our attorney, We signed nothing. We agreed to nothing. We paid Mr. NOTHING!

With the assistance of Judge the worst of Mr. wrong-doing will never see the light of day!

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