

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-367

Judge:

Complainants:

ORDER

April 13, 2022

The Complainants alleged that a superior court commissioner made an incorrect legal ruling, was biased against them, and had a conflict of interest.

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.

2021-367

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.

Plaintiffs, and _____ and _____ (Defendants) entered into home/land contract. In the Contract the Defendants were to follow the rules and when completed in full, the house/land would be signed over to the Defendants. Defendants refused payments. On _____ and _____ sent notice they are not paying the monthly or utilities, and other things, Defendants were given a Pay or Vacate notice, moved out in _____ and used the Contract as ownership to the house to rent it to another individual and would profit. I, Plaintiff _____ and _____ live in _____. The Defendants were using the distance and lack of knowledge of what is going on the land/home towards their advantage. Both Defendants breached the contract and conspired to commit fraud in the process. Defendants lied to the court and my attorney by stating on two occasions that I did not provide final payment. Defendants Attorney submitted this. WE DID PROVIDE Final payments upon the date of request.

Plaintiffs were notified by the _____ companies there was no payments. We called and were told and _____ were off the utilities. Plaintiff continued to pay for the homeowners insurance in case their threats were carried out. Plaintiff paid off the utilities in order to take over the property.

Plaintiff _____ went down to investigate the home and found another person was renting the home. _____ called the police, the police said it was a civil issue it had to go to court. Sometime in _____ Plaintiff _____ hired Attorney _____ to represent them. Around _____ a complaint was filed. On _____ Defendants _____ and _____ were notified by Attorney _____ a Notice, a Quit Claim Deed, a check in which they refused to cash. Mr. _____ intentionally stalled the case for quite some time.

A mediation hearing was set but Plaintiffs Attorney _____ canceled it and moved it towards a Settlement Conference. This is about _____ years after being hired. Plaintiffs Attorney _____ finally set up a settlement conference with Judge _____ on _____. A Zoom hearing. Attorney _____ for Plaintiffs filed PLAINTIFF'S SETTLEMENT CONFERENCE MEMORANDUM. This is the land/home in dispute and an attempt to have the property returned to the Plaintiff, Plaintiff receive any and all rent/profits the Defendants received in breach of contract and Plaintiff receives all reasonable attorney fees and cost to maintain this matter.

Case No _____ Settlement conference started at _____ in front of Judge _____. The ending of the conference did not include an order towards the Plaintiffs or Defendants. However, After the hearing ended Plaintiff _____ contacted _____ and stated he messed up the case and he was defending the defendants as Attorney _____. _____ did not stick to his original plan and filing. He rather created a confusion during the hearing as to where Plaintiff lost track of the negotiations and when the hearing ended Plaintiff _____ realized what happened and demanded Attorney _____ to fix it or he was fired. Attorney _____ submitted his withdraw and provided bias, prejudice and information not related to the case. Thus prejudicing the next Judge. Plaintiffs stated to Attorney _____ there will be no Pro Tem Judge to hear the case. This was not carried out. A notice from Attorney _____ was sent to both Judge _____ and Judge _____.

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Attorney _____ notified Plaintiff's of his withdraw and stated that Judge _____ created an Order. This confused the case. Judge _____ did not make an Order for the Plaintiff or Defendants to follow. Judge _____ created an option to carry out the agreement and if neither party did, they can request a Trial. If neither party did anything the case would be closed in _____ days. Plaintiffs, in the confusion from Attorney _____ on _____ filed a Notice of Appeal. The notice of appeal was denied because there was no Order by Judge _____

Another settlement Conference was set up in front of Pro Tem Judge _____ This was not supposed to happen as both Plaintiffs' expressed to Attorney _____ no Pro Tem Judges were allowed.

However, _____ Pro Tem Judge _____ heard the case. Judge _____ was prejudice, bias and performed Witchcraft by expressing that I received Defendants Motion for Leave to Deposit Funds and for Completion of Warranty Deed, and Request of Attorney's fees and I received them by USPS. Defendants Attorney did not express that he had received the returned Certified letter as it was returned as Plaintiff was not in the area to receive it at the time period it was mailed and other attempts were made to deliver by USPS postal person. Plaintiff attempted to express this to Judge _____ by stating _____ Judge _____ ignored this and asked if the address was correct and still disregarded my statement. I am under oath.

Judge _____ self created an Order that was never made. Judge _____ stated that the agreement made and Ordered by Judge _____ must be carried out. Plaintiff _____ attempted to explain that the _____ Settlement Conference was supposed to be a Mediation hearing and there was no Order. Judge _____ disregarded this and insisted he would hear the recorded version of the hearing and make a decision. Judge _____ asked, are you going to appeal my decision. I stated,

Judge _____ should not have the authority to create an Order that does not exist nor does he have the Authority to create an Order when no Order was made by Judge _____ Plaintiff continued to ask for Jury trial and Judge _____ stated, ' _____ and still disregarded the Plaintiff. Judge _____ refused to hear Plaintiff _____ argument about getting the house back and claimed, "what the Defendants were doing was illegal". Judge _____ closed the case. Plaintiff _____ and _____ filed Motion for reconsiderations and it too was denied.

So we have filed Notice of _____ and we feel better that the case is out of that area. As Attomev _____ stated,

_____ Judge _____ states in his response to the Motion for Reconsideration of the agreement, a list of things he heard in the recording. Still there is no Order. Judge _____ continues to use case decision he found and it is not clear that the decision was signed or not signed or was a Court Order. There is no Court Order and therefore I have a right to change my mind as Judge _____ allowed it. There was no signed agreement at all.

If the Commission needs supportive paperwork on any part, please notify asap and we will provide.