

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-114

Judge:

Complainant:

ORDER

April 20, 2023

The Complainant alleged a superior court commissioner treated him disrespectfully and made incorrect legal rulings in a probate case.

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 Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 20, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-114

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 case was originally filed by me on _____ as a Petition For Trust Accounting.

The first hearing was held on _____ and presided over by Commissioner _____ All of the relevant respondents - _____ and _____ (for _____) objected to the Petition.

My counsel, _____ was ordered to prepare and deliver, on or before _____ a Joint Proposed Form of Scheduling Order, approved by all parties as to form and content, which complies with Probate Rule 27(d) and contains a fillable paragraph with blanks for the Court to provide a date for a status conference required by Probate Rule 27(e). This was in the minute entry dated _____. The Order was to be physically signed by each party on a hard copy and not electronic.

A division staff review of the Joint Proposed Scheduling Order was scheduled for _____

My lawyer did not prepare and deliver the proposed scheduling order by _____ even though I reminded her twice. She did not get signed approvals from all parties (Commissioner _____ specified paper copies mailed to all parties)

Instead my lawyer and two lawyers from the other parties filed an actual (not proposed) scheduling order or _____ which was signed only by the lawyers. It did not have blanks for the courts to provide a date for a status conference!!

**This is where Commissioner _____ comes in.

On _____ a Minute Entry was filed approving the non-complying scheduling order stating it was in conformance with the Minute Entry dated _____ Comm. _____ did the order. The Scheduling Order was NOT a Proposed Scheduling Order approved by the parties with blanks for the courts to provide a date for a status conference as ordered by Commissioner _____

Comm. _____ further ordered that the parties shall participate in a mandatory settlement conference and referred the case to the Court's Alternative Dispute Resolution Department. She also ordered a Virtual Status Conference for _____ away.

Commissioner _____ virtually destroyed my Petition for Trust Accounting. The Probate Court has not yet ordered the Trust Accountings be provided. The status conference required by Probate Rule 27(e) never got scheduled because of Commissioner _____ interference.

On _____ my lawyer, _____ withdrew as my attorney of record.

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On or about _____ an attorney for respondents, _____ filed a Joint Petition to Approve Plan For Final Trust Distribution which was assigned to Commissioner _____. The case number was the same as my Petition for Trust Accounting _____. One of the respondents who objected to my Petition for Trust Accounting filed the Petition.

An initial hearing was scheduled for _____ as a Court Connect hearing. I attended the hearing via _____.

I was expecting the initial hearing to be brief and I would be given a chance to object to the Joint Petition.

Commissioner _____ was hostile toward me from the start. She never asked me if I objected. She started interrogating me about my knowledge of the accounting that was provided in the petition. She berated me. She repeatedly insulted my intelligence. She reputed my every reply. She constantly tried to intimidate me. She even interrogated me under oath about my communications with my ex-lawyer which has lawyer-client privilege. She repeatedly gave me legal advice that I did not ask for. She was angry and condescending. Two times she ordered me to limit my reply response to the time period after my Mother's death; and then she would ask me angrily " _____ ?" She only stopped when the attorney for the respondents interrupted and told her it was OK for me to file an objection to the accounting of the prior period.

Commissioner _____ told me I could not continue with my Petition For Trust Accounting and that she would NOT allow the Alternative Dispute Resolution process that she put my case in to continue. She told me my case was too small to bother with.

Commissioner _____ in closing instructed me that my objection must be split into two parts with detailed specific objections to the trust accountings of the prior and successor trustees. I am only to object to the trust accountings that was provided to my ex-lawyer and the one attached to the Joint Petition.

The Probate Court has not yet approved my Petition for Trust Accounting because Commissioner _____ blocked the legal proceedings. I have not received any Trust Accounting through the probate court.

Commissioner _____ refused to grant me additional time to find a replacement attorney. I have been traumatized and am having trouble composing my objection and figuring out how to file it with the court in the proper format. I live in _____ so it is especially challenging. Please help me if you can.