

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-296

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge was biased against him and failed to follow the law.

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.

After review, the Commission found that the judge failed to timely act on a request for temporary orders. While this was improper under Rule 2.5 (A) of the Code of Judicial Conduct, A.R.S §12-128.01, and Art. 2, Sec. 11 and Art. 6, Sec. 21 of the Arizona Constitution, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding him of his obligations to timely rule or act on pending matters.

Commission members Roger D. Barton and Christopher P. Staring did not participate in the consideration of this matter.

Dated: May 31, 2023

FOR THE COMMISSION

/s/ Joseph C. Kreamer

Hon. Joseph C. Kreamer
Commission Vice-chair

Copies of this order were distributed to all appropriate persons on May 31, 2023.

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COMPLAINT AGAINST A JUDGE

The Arizona Code of Judicial Conduct, promulgated by the Arizona Supreme Court Rule 81, (amended as of January 1, 2021) prescribes a fair, impartial judiciary:

PREAMBLE

An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

This code establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by the code. The code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

Further, "The canons state overarching principles of judicial ethics that all judges must observe."

The Honorable _____, in his capacity as a _____ Court judge in and for the County of _____ State of Arizona, has failed to honor the tenets of his oath and the execute the duties of his office, to wit, he has acted in a arbitrary and capricious manner and has exhibited bias and gross unfairness. Additionally, Judge _____ has, without merit or sound legal reasoning, callously & egregiously issued orders and rulings that directly contravene the Rules of Conduct of the Family Court generally, and the Arizona Rules of Protective Order Procedure specifically, without regard to impairing the constitutional rights of the Complainant.

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Judge has fallen far short of the the intellectual aptitude and judicial temperance required for the fair and impartial administration of justice. He has disgraced the and the legal profession as a whole, is unworthy of the high calling of the administration of equity and relief, and should be relieved of his office, and disciplined to the full extent of the American Bar Association Model Rules of Professional Conduct, and Arizona State Bar Code of Ethics, as well as the Arizona Revised Statutes and the Rules of Civil Procedure.

In the divorce matter of v
(), Judge did not give equitable hearing the allegations, petitions and pleadings of the Respondent. The most alarming issues included credible allegations of suborning perjury, custodial interference, abuse of process and harassment, all grave and serious issues of law and equity. For reasons which remain unclear, Judge made no effort to validate the veracity of any single allegation lodged against the Petitioner and her counsel; this particularly troublesome & problematic as the case is a **direct result** of a Domestic Violence assault by the Petitioner against the Respondent.

Because arrogance and/or incompetence are not defenses, I remain highly confident that Judge will, in some venue, be held fully acceptable for his reprehensible & shameful behavior. has acted beyond the scope of recognized judicial discretion with callous malice, and has caused further injury and real harm to an aggrieved party already subjected to domestic violence and rampant abuse of process within the Arizona judicial system without recourse or relief.

Judge has clearly exhibited bias against the Respondent (pro per) and favored the pleadings and motions of counsel for the Petitioner without any cogent, sound supporting legal arguments. Counsel's pleadings presented no precepts or supporting case law, and proffered baseless allegations and innuendo. To wit, upon receipt of the Respondent's initial response, counsel was summarily removed from partnership and simultaneously formed a new entity with a former named partner of the same law firm (see records filed with the
Entity Name/ID#:).

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Judge gave no consideration or credence to prime facie evidence (verified copies of bank statements) submitted to refute the claim that Respondent “

”. Judge was seemingly unaware of the gross miscarriage of justice as the Petitioner, on the night the Order of Protection was served, forcibly removed the minor child from the primary residence (in plain sight of Police Officer and under protest) and made no effort to allow the father access, communication or visitation, constituting custodial interference as defined by Arizona Revised Statutes.

Judge has failed in his principal duties to provide fair and timely review and rulings on the matter related to this divorce case. The ruling issued by Judge granting an evidentiary hearing showed complete disregard for the content of the pleadings, and was arbitrary and capricious on its face. That Judge did not understand, or care, that Petitioner and her counsel abused the dissolution of marriage process, subverted the rules pertaining to Domestic Violence Orders of Protection, and circumvented the protections afforded the Respondent by the Court of Arizona in reveals that Judge did not read the pleadings, or more frightfully, does not understand how the laws of Arizona were formulated by the legislature and are properly interpreted by the judicial branch.

Judge for reasons beyond the boundaries of reasonable judicial discretion, granted opposing counsels motion to seal THE ENTIRE RESPONSE, in direct contravention of Arizona Revised Statutes (A.R.S. § 13-3602), the Arizona Superior Court Rules of Civil Procedure, and the Family Court Rules of Procedure.

Judge subsequent ruling(s) do not exhibit a clear understanding of the Rule of Law for the jurisdiction of County, the state of Arizona, or the civil rights for citizens of the United States of America.

The Respondent’s pleading regarding Abuse Of Process delineated this misdirection effort, yet Judge then improperly applied an irrelevant statute as “ ” for overturning an properly established order of protection, and modified/reversed the outstanding Order of Protection, effectively removing Respondent from the primary residence.

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It should be noted that Judge _____ DID NOT follow the prescribed procedure(s) for consulting with other court officers that had knowledge on the matter, in this case Commissioner _____

Respondent NEVER received rulings for basic Temporary Orders filed in _____ these issues remained unresolved almost _____ later. Apparently Petitioner and her counsel intent to let the matter “ _____ ’, having financially disenfranchised Respondent from the residence and valid claims to equity in the marital estate.

For these specific and other highly suspicious activities, Respondent has forwarded the entire case file to the _____ for the _____. It appears that all considerations for this divorce matter have been willfully neglected by the judicial officers for the State of Arizona and _____ County.

Respondent submitted a request for a Change of Judge (twice). Additionally, Respondent has requested assistance from the _____ and the _____ so far to no avail.

The legal process is beyond comprehension to most Americans - their suspicions of its inherent unfairness and tilt toward those with greater financial resources has found footing in the personal experience of this Respondent in the courts of Arizona.

I am resolved to pursue alternatives for legal redress and relief for damages, both punitive and compensatory, within the realm of the _____

After _____ I am ready and available for sworn in-person or video interviews regarding the matters contained herein.

I thank you for your consideration.