

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-417

Judge:

Complainant:

ORDER

June 28, 2023

The complainant alleged a superior court judge pro tem used coercive tactics during a settlement conference 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 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 Colleen E. Concannon and Scott C. Silva did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 28, 2023.

Attachments: [Document](#) [motion to vacate.pdf](#)

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: Fwd: Your complaint to The Arizona Commission on Judicial Conduct

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Subject: Your complaint to The Arizona Commission on Judicial Conduct

I am a Beneficiary in a Family Trust. On _____, a Pro Tempore, presided over a Settlement Conference with myself and my Brother _____ who is the Trustee.

As you can absorb from the attached PDF file motion and both the Declarations and other exhibits, I allege serious and multiple Judicial Cannon violations.

I assert that _____, presided over the Settlement Conference, with a preset agenda being to manipulate, bully and coerce both myself and my Brother, with a callous willful disregard for the rule of law or our clearly established rights.

His Agenda being get that agreement at any cost.

Though you may detect further violations. I allege these :

He violated Rule 1.2 repeatedly

A Judge shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary and shall avoid impropriety or the appearance of impropriety.

- He did so with his premeditated agenda

-He did so in his statement that "

-He did so with every word thereafter for the _____ hour conference

He violated Rule 2.5 B

That a Judge shall reasonably cooperate with other Judges and Court Officials in the administration of Court Business.

who ordered the conference and expected to behave ethically. The ADR office who expected the same.

He violated Rule 1.1

A Judge shall comply with the IAW , including Court Rules and Constitutional Provisions.

He knowingly coerced me to waive my rights as a Beneficiary in badgering me into submission of his Agenda and into an agreement unconscionably in favor of my Brother , when every fact of the case showed clear years of Breaches of The Trust by my Brother. order was developed under Court Rules and my 1st and 14th amendment rights to the Constitution.

He violated Rule 2.6a

Right To Be Heard

A Judge may [encourage] but not COERCE a party into Settlement.

He did so everytime I tried to assert my position or rights and stated , NO , we need to get this agreement done.

In many other manners.

He violated Rule 2.2

Shall uphold and apply the law and shall perform all duties of Judicial Office [his oath] FAIRLY and impartially. And the Equal Protection clause of 14th amendment

He demonstrated bias and discrimination in his statement that The Courts have little patience with unrepresented parties

My motion to vacate the agreement call ntains all facts necessary to support the foregoing.

Thank you and I look forward to your just decision.

STATE OF ARIZONA
COUNTY OF

IN THE MATTER OF THE

PETITIONER'S MOTION TO VACATE CASE
SETTLEMENT AGREEMENT AND REQUEST
FOR AN ORDER OF NEW HEARING AND
SANCTIONS AGAINST

EXPEDITED RULING OR HEARING REQUESTED

The Petitioner, _____, acting pro se, hereby request's this courts consideration
And ORDER to vacate the Settlement Agreement of _____ made by the parties based upon
GOOD CAUSE, the UNCONSCIONABLE misconduct[s] of the Mediator of such
.....and Petitioner, requests that due to the time constraints and nature of the issues
That this court render an expedited ruling or promptly set an in person hearing in this matter.

The Petitioner, further request's the court, given the clear circumstances order a new
Settlement Conference and strongly consider sanctions against

This motion or petition is supported with annexed Declarations sworn under the penalties of
perjury and relevant documents annexed hereto.

LEGAL ARGUMENTS

Both the 1st amendment of The U.S. Constitution & Rule 2.6 (a) of the Arizona Code of Judicial Conduct confer the surety to the Petitioner of the right to be heard and to seek Redress.

Rule 2.2 of The Arizona Code Of Judicial Conduct asserts and confers a clearly established Right and expectation of a litigant and to Petitioner , that they are entitled to have matters addressed by an judicial Officer who SHALL uphold and apply the law and SHALL perform all Duties of judicial office **fairly and impartially**.

Rule 2.2 (b) holds that a Judge may [encourage] parties to a proceeding to settle matters in dispute , **but SHALL NOT c o e r c e any party into settlement .**

Pursuant to Rule 22 Arizona Rules of Probate Procedure this court ordered that a Settlement Conference of the parties shall occur and _____ , was selected As the Mediator / Judge to preside over such.

The parties & _____ did in fact meet on _____ at _____ at the

The parties , to include the Petitioner , complied with the pre-conference request's of _____ [Supplying each parties Memorandum] and arriving on-time [Though Respondent _____ , was late by _____ minutes.]

The parties arrived and demonstrated good faith [given the circumstances that transpired] The Petitioner , was excited and hopeful that this conference would achieve a positive result. The Petitioner , had a right to expect the Judge to equally act in good faith and ethically.

Instead , _____ , had his own agenda which is evident in the facts , in his own interests , disregard the clearly established rights of the parties , manipulate the parties with full disregard to his Oath Of Office or position and unconscionably coerce the parties , especially the Petitioner , into submission to achieve _____ agenda and in the process demonstrated his utter discrimination for pro se / unrepresented parties through his very own words callously & openly stated to the parties.

The specific details and facts are set forth in the annexed Declarations of Petitioner and _____ , and The Petitioner pleas to this court to consider these matters and render it's Judicial Findings and render the Settlement Agreement VOID & vacate such agreement as UNCONSCIONABLE and in in violation of Petitioner's clearly established rights under The First [of redress and to be hear] and his substantive rights under the 14th amendment as to due process and Equal Protection Of The Law [not to be discriminated upon in being a pro se Party by The Judge.

The Petitioner , alleges that the facts demonstrate that The Judge calculatingly did Act to manipulate him and how it affected the Petitioner is detailed in his declaration and that of . Please see [annexed exhibits 1 and 2]

Given the facts set forth herein it is reasonable that the Petitioner and parties be granted a New Settlement Conference , as the misconduct of , should not be to the peril Of the parties in this matter.

For this "agreement " to stand , which clearly benefits the Respondent Trustee . Manifestly deprives the Petitioner of his due process rights as he has an unresolved motion To remove the Trustee before the court and to release said Respondent from his acts and omissions as well as accountabilityas well as the rights of the Petitioner , a Beneficiary , Which would not have occurred if not for the manipulation and bad faith of

, if he had of digested the case materials [as he proffered that he did] to the Petitioner , and if ANY reasonable trier of fact had of been aware of the facts in favor of the Petitioner , could not of in good faith , allowed such an agreement to be signed by the parties Nor the final product of the Settlement Conference.

, has clearly done a grave disservice to the parties , The Judiciary as a whole , To include his fellow attorney's of . His misconduct is grossly Intolerable and he should be SANCTIONED to the fullest extent under the law.

Please see the Memorandum of Petitioner Exhibit 3
Please see email to dated Exhibit 4

In support of the foregoing

WHEREFORE Petitioner prays for the relief herein requested in full

SUBMITTED this day of

1 2 3 4

**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.**