

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-479

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Judge:

Complainant:

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**ORDER**

July 5, 2023

The complainant alleged improper rulings and a violation of due process by a superior court commissioner hearing 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).

Copies of this order were distributed to all appropriate persons on July 5, 2023.

TO : Arizona Commission On Judicial Conduct

Arizona Commission On Judicial Performance Review

I submit this complaint to attempt to have this judge held accountable and his conduct considered. I am clear that there is nothing either of your agencies CAN DO to alter a case nor a judge's decisions in a case.

Complaint of and Reporting of behaviors of Commissioner  
Court Commissioner Court

I am a beneficiary and filed a civil action against my Brother , , a Successor Trustee , after our Mother's passing-away In The Matter Of The Family Trust On . The original filing number is . In latter Judge Transferred the case to Court . In due to court rotation Commission got the case.

An audio file of the hearing with me before Judge is annexed hereto. A true copy of my Petition To Vacate Settlement Agreement is annexed as well to demonstrate what conduct of Pro Tem Judge , Judge , disregarded or acquiesced to.

I , , avow under the penalties of perjury in the State Of Arizona , that the proceeding statements made by me are true and correct based upon my own experiences And information

1. That On , I received an email notice of a ' court connect hearing' from a Probate Court Clerk for a hearing at to hearing before Commissioner . This was a online hearing , not in-person. I and my brother participated.
2. That the hearing was to address a Petition For Removal Of The Trustee and The Clarification of my legal challenge whether he was lawfully the trustee.
3. That it is my understanding that both the Arizona Constitution and Code Of Judicial Conduct require a matter be addressed within days. The hearing was scheduled or days PAST the -day period.

4. That Commissioner [ herein ] began the hearing stating there had been an 'objection Petition' filed by the Respondent. To my Petitions.
5. That then prompted me to present my case position. I barely began to speak and stated that I [ had not] received a copy of nor was I aware of the filing of 'objections' by Respondent. The Respondent , admitted to , that He had not complied with court rules in providing me the copy of his petition.
6. That I then asserted that I had points to present. I barely began to state them , when , callously and oddly , disregarded me and addressed the Respondent.
7. I tried at least more times during the course of the hearing to get , to listen to me and allow me to finish my case positions. He as the audio reveals , ignores me repeatedly.
8. That ORDERED Respondent [ my brother] to mail me a copy of Respondent's ' objections'
9. That , brought up the concept of there being a Settlement Conference. The Respondent , fully agreed & consented on the record. I only ask a couple of questions of it , one being , " ". I at NO time on the record agreed nor did I Consent to the conference.
10. That , ORDERED us to participate in the Settlement Conference. Such a conference , Has a critical element that the parties must ' ACT IN GOOD FAITH' in such matter. Nowhere in the case record does it indicate my brother had ever in this case ' acted in good faith. He just admitted as well to , that he violated court & civil procedure rules. had NO basis to allow my brother to participate in such a conference.
11. That to this day , 1 , , has never held a hearing nor resolved the Petition by me NOR the critical matters of ' IS Respondent , lawfully the Trustee'. So Beyond scheduling the hearing to days beyond the -day period , has still yet to resolve my petitions. Violating my right to be heard.
12. That a separate complaint has been filed against Judge case with The Commission On Judicial Conduct. The proceeding matters set forth the omission or Failure of to address or respond to my complaint to , of misconduct. A person directly under the direction of , as the one who ORDERED the Settlement Conference.

13. That Judge \_\_\_\_\_, full misconduct, that \_\_\_\_\_, disregarded is set forth in the  
Matter filed \_\_\_\_\_ my Petition To Vacate Settlement Agreement And For  
Sanctions Against Judge \_\_\_\_\_. Attached to this email complaint. I believe  
\_\_\_\_\_ has a duty to address such misconduct and my complaint, but has ignored it.

The foregoing statements made by me under penalty of perjury

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

It is my contention that due to all facts known to me that Judge \_\_\_\_\_, who had NO legitimate  
basis to believe that my brother [could] act in good faith, that \_\_\_\_\_, only ORDERED the  
Settlement Conference, to clear a case from his court docket and AVOID compliance to his  
Clearly established duties to honor his oath and appropriately handle and address cases before  
his court.

Thank you

ORIGINAL

PETITIONER PRO SE

STATE OF  
COUNTY OF

IN THE MATTER OF THE  
FAMILY TRUST

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

EXPEDITED RULING OR HEARING REQUESTED

HONORABLE

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 Pro Tem Judge  
.....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 Judge

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

## LEGAL ARGUMENTS

Both the 1<sup>st</sup> 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 .

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

The parties & Judge \_\_\_\_\_ did in fact meet on \_\_\_\_\_ at \_\_\_\_\_ at the \_\_\_\_\_ .

The parties , to include the Petitioner , complied with the pre-conference request's of Judge \_\_\_\_\_ [ 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 , Judge \_\_\_\_\_ , 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 Judge \_\_\_\_\_ 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 heard ] and his substantive rights under the 14<sup>th</sup> 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 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.**