

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-017

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Judge:

Complainant:

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**ORDER**

The complainant alleged a pro tem superior court judge was biased against her and improperly coerced her into settling a civil case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: April 5, 2017

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were distributed to all appropriate persons on April 5, 2017.

*This order may not be used as a basis for disqualification of a judge.*

Comp

Email response to

2017-017

Dear [redacted] might be better if you just copy/ paste for the attorney ? This encompasses from [redacted] to present.

**Allegations against:**

[redacted] HIRED by the opposed party ( [redacted] ) into what will be a false claim on against [redacted]

[redacted] will create a false claim that spans over more than [redacted] now as counsel for the opposed party [redacted] This counsel will make these accusations from his office at [redacted] physical address of [redacted]

[redacted] sues both myself and my mortgage lender [redacted] while as a [redacted] within a [redacted]

Sounds like conflict of interest ?

[redacted] should have been briefed by [redacted] that they had not completed damages to the home. [redacted] should have know that his client cited AZ law into fixing these damages ( [redacted] ). He should also have been briefed that [redacted] did not finish the [redacted] missing line items ( [redacted] ) thus the false " [redacted] " claim.

He also should have been briefed by [redacted] that they were withholding money for CONTRACTS aside from the [redacted] claim from their sub workers ( [redacted] ) supplies facts to the false UNJUST ENRICHMENT claim .

And apparently for all these bypassed truths [redacted] counsel for [redacted] would refuse request for a simple document " [redacted] " thus voluntarily they chose to NOT collect moneys now still remaining in escrow so they could NOT pay their bills for the last [redacted] thus the FALSE mechanic lien claim.

To this writing they have NOT complied with [redacted] bank.

They would be coy and not name in their suit aside from creating harm to [redacted] bank , owner and all its shareholders that they were also after a holdback amount of [redacted] The amount requires that the job be completed in [redacted] of the final estimate dated [redacted] . Thus [redacted] had till [redacted] to finish the jobs, now incomplete. In three separate emails the discussion is supplied regarding the understanding to the topic of holdback. The first is from the ( [redacted] ) legal doc. the second is by client to [redacted] ( [redacted] ), and again in email response by [redacted] to client ( [redacted] ). In this last response [redacted] transparently lays out a bulletin style explanation of how they know is requires a " [redacted] to gain the holdback

in the amount of . Thus another false "breach" claim for not having completed the works.

All moneys that and were suing for are still moneys that belonged to an Insurance company and a banking institution.

### Comes Settlement Conference

#### ALLEGATIONS AGAINST:

#### MISREPRESENTATION – NOT ACTING IN GOOD FAITH( BARGAINING)

: Introduced himself, states "his job was to push me into taking *risks*".

: "you need to take some *risks*"

My mother. and I would remain speechless. Not what I expected of a Settlement Conference.

explains how its hard but I am to remain neutral and to not be emotional during this process as there are no winners.

Me: I agreed.

Then things got dark conversationally.

: adds "this has been a pain".

They both would aggressively attempt to convince my mother and I that the home would be placed in foreclosure if we did not agree to others terms.

: Whats your home worth ? What do you owe on it? (basically am I comfortable losing it)

: "This is not going to feel good for a couple of days". (predictor statement)

We: (my mom and I) asked" if ( for their initiating the false claim ) would pick up our attorney fees ?"

: Does not leave the room in which to even pretend to bargain in good faith, but instantly states- "No they (opposed) would not accept". How does he know that ?

: Later in the meeting however would come back into the room after meeting with the up to the employees to include their male accountant who we met in the hall when we first arrived. Then he asked me "to pick up some of **their** fees?" ( definite bias)

: Come back into the room and sitting beside me he asks " you REALLY do not have any of this money?". My attorney AGAIN says nothing, he is engaged somewhere else on his PC.

ME: reply: I DID NOT HAVE THE **MONEY -DOES NOT BELONG TO ME , IT HAS BEEN WITH** and  
- **this has been a false claim !**

: He states "I understand" but then kept speaking over me and then to my attorney. So I sat back in my chair with my mother, giving up in essence, stating nothing ELSE. We only took note of the aggressive nature and the comments.

Me: referenced and heard me state at the end with shock : "you're asking me to lie?".

: States nothing. note his body language as he moves away from the table, he is slight uncomfortable looks down to

: Realized we are in the room states " I don't understand what the problem is, its not everyday you get to work with someone else's money"

We : Asked "what would happen when they did not get their money from and ?" (all KNEW we had the damages , I also did not have the money that required the jobs be complete to process payments)

: response to the "what" HAPPENS WHEN- (HE PAUSE/S) "Then I guess we meet back here".

Me: How still making its inspection is going to work ?? I did not understand ?

: "Just take it from a

(Still don't know what that meant)

: He will state as he comes back into the room "they ( ) did not know how they were going to get their money".

Operationally it was short of a non- inclusive meeting , no REAL contract - HAD TO ACT AS IF THEY DO NOT WORK WITH INSURANCE COMPANIES AND BANKS TO COME TO THAT MEETING AND THAT INCLUDED ALL COUNSEL (WITHOUT EXCEPTIONS).

: states "as long as they do all the work". ( prepares the document)

My mother: "What DO you charge ?"

: Finally looks up, looks at his computer, seems un-concerned, " I do not know".

( I HAD NO PROTECTION, and NO COUNSEL)

leaves again to make copies of prepared docs.

No movement, no noise, room still. No conversations. tending to some other case evident by his lap top open, taking notes with his legal pad, we were numb at that point.

: states while looking out to hall, then down to his screen (mumbling) " They considered you a '. Reference how the opposed party viewed his client.

We (mother and I ) looked up, we looked over to who now looks up from his screen now and restates "THEY consider me a '.

I was so sick, and embarrassed with my poor mother having to endure these comments from none other than my lawyer -no causal. I never looked at him again after that, gained our copy and walked ahead with laser vision to the car.

I confronted \_\_\_\_\_ or \_\_\_\_\_ and read back the entire meeting that we had documented. He did not deny the comments added NO rational to explain it. We believe the comment was bias to the extent as even being discriminating to gender. Makes no sense to this day how such derogatory comments framed around how an opposed party views a lawyers client-unprofessional. I had my initial consultation \_\_\_\_\_ back with \_\_\_\_\_ had one other short phone call, then this meeting, how he could derive this much information unless \_\_\_\_\_ has had previous meeting/conversations with the opposed ??

Took my mother days later to \_\_\_\_\_ to get her heart cardio converted (shocked). Not a good thing.

I had at the time of this meeting \$ \_\_\_\_\_ legal fees. \$ \_\_\_\_\_ Damages still to the home ( \_\_\_\_\_ Plus I ALREADY PAID IN GOOD FAITH AS EXTRAS (ASIDE OF \_\_\_\_\_ ) OF \$ \_\_\_\_\_ FOR THOSE MATERIALS NOW DAMAGED. Their business consisting of up to \_\_\_\_\_ employees according to online data sources, state they make \_\_\_\_\_ annually. Does not make cents or sense. A business in business to make false claims with the help of \_\_\_\_\_

**Leads to ALLEGATIONS AGAINST:** \_\_\_\_\_

**Violations against \_\_\_\_\_ Attempted deceptions in commerce with a Banking institution \_\_\_\_\_ and Insurance Industry ( \_\_\_\_\_ ) involving attempted Fraud as accomplice to \_\_\_\_\_ and \_\_\_\_\_**

\_\_\_\_\_, I learned by \_\_\_\_\_ tha \_\_\_\_\_ attempted to represent myself in manipulating /aiding \_\_\_\_\_ in retaining the holdback check away from \_\_\_\_\_ on works incomplete as accomplice to \_\_\_\_\_

One of my siblings is an Insurance underwriter. He gave me the advise early on to involve my \_\_\_\_\_. So early on I would go back and forth with photos, etc of the poor job and status. She recommend last year I place a lien on \_\_\_\_\_ bond. I did worse and hired \_\_\_\_\_ instead.

Back in \_\_\_\_\_ after that Settlement Conference disaster ( \_\_\_\_\_ I would learn by mv \_\_\_\_\_ that someone had approached the Insurance \_\_\_\_\_ for the holdback moneys?

I asked for a copy of my invoice to also discover I had been charged for illegal activities stemming from this conference without authorization.

\_\_\_\_\_, speaking with my lawyer I would learn the nature of their deception . \_\_\_\_\_ at first is defensive and states "I am accusing him of doing these actions" , then told me he made (aiding) all the calls, gained the forms needed between \_\_\_\_\_ as counsel then \_\_\_\_\_ apparently signed acts of deception (implicit/explicit) create another false claim inflicting more harm against owner and my \_\_\_\_\_

Being a \_\_\_\_\_ in good standings all of my adult life. My relationship was being violated by the shady business's conducted using these counsel's

In shock I would \_\_\_\_\_ (with much cost) \_\_\_\_\_ to \_\_\_\_\_ approximately (as charged) pounds of paper TRAIL with all legal docs from \_\_\_\_\_ emails by opposed party, PHOTOS and lots of documented pictures AGAIN to be ensured there was no misunderstanding as to what all parties were attempting to commit. The cover letter required that \_\_\_\_\_ share this material with the opposed party.

In response \_\_\_\_\_ would send by business \_\_\_\_\_ envelope on \_\_\_\_\_ to my primary home the illegal check dated \_\_\_\_\_ issued from \_\_\_\_\_ in amount of \$ \_\_\_\_\_ and a letter from him abrasively telling me I had to sign and mail back (with supplied return bus paid package) or and \_\_\_\_\_ will take further actions against me. How does signing in good faith something legal become okay when result is harm and illegal ?? I do not understand

I paid \_\_\_\_\_ in full \$ \_\_\_\_\_ ( \_\_\_\_\_ ) total for fear of further harm .

Then I called his office staff to secure I had a zero balance, then fired my attorney by fax date \_\_\_\_\_ To be sure he received the notice I express mailed a second time to arrive the next day with the date of notice

I am a \_\_\_\_\_ myself who has plenty of oversight so that I am not acting out side of my scope of practice to include ethics in order to keep current. My background check that secures my license is based on these same principles to act in good faith within all laws: IE, civil courts, criminal justice, juvenile justice, and protective services.

What \_\_\_\_\_ objective required of me when aiding to work deceptively in gaining a check that is not my money then push the check to my home in \_\_\_\_\_ and to force my participation in an scam, the answer if this was client centered would be clear.

**Now comes a \_\_\_\_\_ |submitted**

( \_\_\_\_\_ ) *argue no leniency or special treatment for the decision to terminate her attorney –*

Comment: REALLY ? **I had no choice.** This was not consenting behavior. I would not be used in a false endeavor that was already derived from another original false claims by \_\_\_\_\_ and the opposed party, THIS IS FRAUD 101.

( \_\_\_\_\_ | Second , \_\_\_\_\_ has *misappropriated funds owed to \_\_\_\_\_ that were paid to \_\_\_\_\_ and that she is now likely in possession of those funds(???) in the*

Fact; They talk like I am some criminal , that ran across state lines. The check for \_\_\_\_\_ belongs to \_\_\_\_\_ and the owner of my claim \_\_\_\_\_ is where the check will be found.

Fact: \_\_\_\_\_ has the \$ \_\_\_\_\_ , sitting In ESCROW since \_\_\_\_\_ created the false lawsuit in the fall of \_\_\_\_\_ states they have no contact with OPPOSED COUNSEL, does not have a "lien waiver" from the opposed party on file as was the original documented problem \_\_\_\_\_ created in of \_\_\_\_\_ from his \_\_\_\_\_ address.

**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.**