

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-173

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner improperly vacated a hearing without notice, failed to fully review the file, and improperly ordered her to appear in person against medical advice. The complainant also alleged a superior court judge made improper rulings in a family law proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judicial officers 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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officers' rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officers 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: August 23, 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 August 23, 2017.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2017-173

**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.

All actions taken by the plaintiff were as directed by a

According to the Order, the defendant was served, and attested to such before

1. It was discovered at the time to check-in that \_\_\_\_\_ without notice to either party, had vacated the hearing the day before, \_\_\_\_\_ both of whom have a durable Power Of Attorney on my behalf, had to travel from \_\_\_\_\_ for this hearing at a cost of \_\_\_\_\_. These expenses were wasted due to the action by \_\_\_\_\_

2. \_\_\_\_\_ stated that \_\_\_\_\_ vacated the hearing because the action was asking for \_\_\_\_\_ award \_\_\_\_\_ stated that the Decree of Dissolution did not \_\_\_\_\_ The Decree indicated that, even though the plaintiff should \_\_\_\_\_ in the opinion of the judge, the plaintiff was awarded \_\_\_\_\_ were to be treated as \_\_\_\_\_ for tax purposes. \_\_\_\_\_ was ignorant of this clause and clearly had not educated \_\_\_\_\_ on the documents pertinent to the case.

3. I am medically unable to \_\_\_\_\_ clearly explained this fact to the \_\_\_\_\_ of the Court who assured them that no attorney was necessary for this hearing. \_\_\_\_\_ asked whether the \_\_\_\_\_ was wearing a gown. \_\_\_\_\_ stated that I had to be present and I had to have an attorney to represent me. \_\_\_\_\_ went so far as to state that,

4. \_\_\_\_\_ presented a letter from my attending physician stating that \_\_\_\_\_ disregarded the letter and intimated that I had to appear. \_\_\_\_\_ asked whether I could appear telephonically and \_\_\_\_\_ said that that would be \_\_\_\_\_ decision and \_\_\_\_\_ would let me know of \_\_\_\_\_ decision. This completely disregards \_\_\_\_\_ I do not see anywhere that \_\_\_\_\_ states that my medical records are protected by the Health Insurance Portability and Accountability Act of 1996. Neither \_\_\_\_\_ nor \_\_\_\_\_ have any right to make me disclose my medical records, especially in open court.

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5. The new hearing date, \_\_\_\_\_ was set based upon the convenience of \_\_\_\_\_ and \_\_\_\_\_ availability. I did not have time to find an attorney before the hearing date decided on by \_\_\_\_\_ I filed a Motion to Continue as I required time to find an appropriate and acceptable attorney to represent me.

6. \_\_\_\_\_ vacated my request for hearing a second time because my \_\_\_\_\_ while still in \_\_\_\_\_ as my Durable Power of Attorney filed the required forms and signed for me. \_\_\_\_\_ justified the action to vacate because I did not personally sign the forms. As stated, I am unable and will never again be able to \_\_\_\_\_ I believe I am being denied my rights under the law.

7. \_\_\_\_\_ have had a previous court related relationship of each other. This fact requires a change of judge.

7. This entire proceeding could have been avoided had my \_\_\_\_\_ simply sat down with computer, which \_\_\_\_\_ does on a daily basis, and made an on-line direct deposit funds transfer into my account established only for this purpose in accordance with the final Decree of Dissolution. After \_\_\_\_\_ of making a counter deposit at a branch bank, my \_\_\_\_\_ decided to begin mailing my share of \_\_\_\_\_ The address of the house I purchased in \_\_\_\_\_ is protected in \_\_\_\_\_ for the sole purpose of preventing my \_\_\_\_\_ from learning where my house was located. The fact that \_\_\_\_\_ has that address violates my privacy. Although I still \_\_\_\_\_ unpredictable circumstances have required that I continue to live \_\_\_\_\_ Since my \_\_\_\_\_ refuses to send my monthly payment to their address at \_\_\_\_\_ the on-line transfer is the quickest and the most reasonable solution for both parties. He states he also does not want to do this.

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Adverse outcomes resulting from \_\_\_\_\_ decisions in his Decree of Dissolution.

The following information is provided based on numbered paragraphs in the Decree (attached).

4. Despite a request for documents pertinent to my position during these proceedings, the \_\_\_\_\_ was never required to produce documents which could have effected the decision of the court. All decisions by the judge were made in an informational vacuum. Documents received through subpoena in a suit against \_\_\_\_\_ of which \_\_\_\_\_ s a \_\_\_\_\_ revealed that he spent \_\_\_\_\_ which were never presented to the court.

6a. The court awarded the referenced residence as the sole and separate property of \_\_\_\_\_. Despite the fact that \_\_\_\_\_ had personal private bank accounts and income, \_\_\_\_\_ made mortgage payments from our joint checking account thereby reducing my portion of the division of bank accounts.

6c. Also reference 10. Each party was awarded \_\_\_\_\_ in their possession. The judge carved out an \_\_\_\_\_ which had been in my possession for \_\_\_\_\_ and deemed it community property. The \_\_\_\_\_ was lost during my move to \_\_\_\_\_ yet, due to the decision by the judge that \_\_\_\_\_ was community property, I had to give my \_\_\_\_\_ of its perceived value.

6d. My \_\_\_\_\_ did not cooperate in the transfer of title of my vehicle. I had to take several procedures on my own to obtain clear title because my \_\_\_\_\_ would not take actions which would have expedited transfer.

6g. The judge did not stipulate a time span in which my home had to be sold. My \_\_\_\_\_ took this issue to the court and had the judge force me to sell my home immediately.

7. The judge noted "

Why, when the judge stated that

Of greater concern, why did this judge take the word of my [redacted] regarding bank accounts? Despite requests from [redacted], my [redacted] never produced anything more than a snapshot of our financials. Numerous bank statements obtained after I filed suit against [redacted] revealed that [redacted] spent [redacted] from our joint checking account between the date [redacted] was served and the final decree. [redacted] had several bank accounts and constantly moved monies between these accounts. In addition to the issue regarding mortgage payments, [redacted] used funds from our joint checking account to purchase tax liens. [redacted] did not always return those funds to our account. Nor did [redacted] always deposit the interest earned on those purchases to our joint account. There are serious indications of improprieties in the arbitrary manner in which my case was handled.

10. Discussed previously.

11. Each of the parties are [redacted] members of [redacted] in [redacted] my [redacted] restructured the [redacted] to give [redacted] interest in the [redacted] this unilaterally violating State laws ruling the establishment and operation of [redacted] action is a Class 4 felony. In addition, [redacted] failed to comply with every law governing an [redacted] did not maintain the required records. [redacted] did provide access to records, which [redacted] did not and does not have, in accordance with State laws. [redacted] has never provided me with a K-1 in order to submit a factual federal tax return. [redacted] actions have resulted in my suit against the [redacted]

13. The judge made an arbitrary decision not to grant [redacted] Allowing my [redacted] to control his payments to me, I now find myself in a situation where I have not received payments since [redacted] of making deposits directly into my personal bank account. [redacted] now insists on mailing me a check. Although I own a house in [redacted] I live with [redacted] refuses to mail my check to [redacted] I offered to open an account solely for the purpose of making an on-line funds transfer into that account. [redacted] has refused to do that as well. Had the judge granted [redacted] this situation never would have occurred. The judge claimed that [redacted] would be inequitable. However, I now am not receiving my court ordered payment.

18. The court [redacted] who controlled the sale of my home in [redacted] were not legally qualified to serve in that capacity. My [redacted] controlled every aspect of the sale.

My [redacted] believes [redacted] to be an attorney. On [redacted] states that [redacted] attended [redacted] and [redacted] According to the [redacted] of the [redacted] my [redacted] was never [redacted] On [redacted] uses the [redacted] which presents [redacted] as [redacted] in the State of [redacted] Also a lie.

Ultimately, I was the victim of extremely poor judgment in this Court and continue to suffer the consequences.