

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-219

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Judge:

Complainant:

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**ORDER**

October 15, 2020

The Complainant alleged a superior court judge improperly ruled on a motion to set aside in a family law matter.

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).

Commission member J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 15, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020-219

**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.

I believe judge \_\_\_\_\_ committed judicial misconduct by not doing his due diligence as a judge to look into a "Motion to Set Aside" and the ton of evidence filed by myself on \_\_\_\_\_ in this case that was clearly overlooked. Also he did not even look or listen to the court order transcript that clearly states that there were several omission/ mistakes made by the court.

Had he looked at the evidence and listened to the transcripts of the \_\_\_\_\_ hearing; the Arizona Law is very clear in this ruling. It clearly states that under Rule 85(a) & 85(b) that the court MUST correct any clerical mistakes or omissions. The court MUST correct a clerical mistake or a mistake arising from an oversight (as in this case) if one is found in the judgement/ order or part of the record. This Judge clearly and / or deliberately overlooked the evidence and what the Arizona Law clearly states.

The Arizona law is very CLEAR so how could any rule against the evidence provided unless that judge decided to NOT look at the evidence and just deny thew motion. There is also clearly an issue regarding Waht the Fathers Rights are here and I am being discriminated against because I dont have council. The attorney for the Petitioner \_\_\_\_\_ clearly and deliberately filed a false decree after it was ruled upon under oath in a court of law on \_\_\_\_\_. She deliberty re-typed a decree with diffent rules that were not agreed to for the benefit of her client then promptly filed a Notion of Lodging knowing full well the courts would not read her decree and sign off on it before anything was detected by myself or the courts. Because the court are so backed up with cases they signed off on this drcree without even checking it for validity and what was agreed to. When finally brought up to the courts they once again, dismissed the motin without even looking for differences in decrees or even looking at the evidence provided.

I am definatly getting discriminated against and my rights as a father in this divorce case is being overlooked. By just comparing the decree agreed to on \_\_\_\_\_ as compared to what was filed by attorney you will clearly see the differences in decrees which is not legal in this case. I just want someone to review the decrees to validate my complaint and to hold the guilt parties accountable. The Judges JOB is to review all motions and he clearly did not in this case.

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\* Evidence of original decree attached.

Person Filing: \_\_\_\_\_

Address (if not protected): \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Lawyer's Bar Number: \_\_\_\_\_

Representing  Self, without a Lawyer or  Attorney for  Petitioner OR  Respondent

## SUPERIOR COURT OF ARIZONA IN

\_\_\_\_\_  
Name of Petitioner/Party A

Case Number: \_\_\_\_\_

Atlas Number: \_\_\_\_\_

Title: MOTION TO SET ASIDE

\_\_\_\_\_  
Name of Respondent/Party B

Explain what you want the Court to order. The Judge may grant, deny, or change your request (or "motion"). A ruling will be issued by "minute entry."

Judge based on RULE 85(a) provides that a Court must correct any clerical mistakes or omissions. A court may correct a clerical mistake or a mistake arising from oversight or omission if one is found in a judgment, order, or other part of the record. After a mistake in the judgment is corrected, execution must conform to the corrected judgement.

Also, RULE 85 (b) allows the court to alter or set aside its judgement based upon certain factors such as a mistake or excusable neglect by one of the parties, newly discovered evidence that was hidden by the other party or could not have been discovered with reasonable diligence, fraud by other party, the judgment is VOID, the judgement has been satisfied, or other justifying relief.

PROOF in the form of CD/ Transcript of the \_\_\_\_\_ hearing, hard copies of the \_\_\_\_\_ judgment stating that, under oath, we will be using the \_\_\_\_\_ decree and parenting plan, and a hard copy of the \_\_\_\_\_ decree given to me by the Petitioners Attorney at the \_\_\_\_\_ hearing. (Labeled E1)

Evidence 2 or E2 is in the form of a Superior Court Order dated \_\_\_\_\_ where it states that;

The parties participated in a Mediation over two days, at which they appear to have reached agreements on all disputed issues. Their initial agreements regarding parenting time and legal decision-making were memorialized in a "Joint Decision Making Authority Parenting Plan Partial Agreement" which the parties signed, under oath, on \_\_\_\_\_

Evidence 3 or E3 is an email sent to Petitioners Attorney on \_\_\_\_\_, where after the hearing where the attorney was supposed to re-type the decree that was agreed upon. In that email I noticed deliberate omissions and discovered evidence that was hidden by the attorney to try to pass a changed decree by the courts. I voiced my displeasure regarding the omissions. attorney failed to make the correct changes and submitted a fraudulent decree to the courts.

I received a CD of the \_\_\_\_\_ hearing which clearly proves my claims. I am submitting a Deferred Fee application based on COVID-19 and the fact that I was laid off work with no income to the courts so I get a Transcript as well of the \_\_\_\_\_ hearing. But based on the evidence provided you can clearly see there were several omissions made in this case.

Today's Date:

Your Signature \ \_\_\_\_\_

(E1)

# Evidence

**A copy of this Decree was given to me at the evidentiary hearing by \_\_\_\_\_, attorney for Petitioner. This Decree was adopted by Judge \_\_\_\_\_ as the one we were supposed to be using as the "FINAL DECREE & PARENTING PLAN"**

**There are clear differences in the Decree & Parenting Plan submitted by Attorney for Petitioner as Final Decree.**

**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.**