

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-238

Judge:

Complainant:

ORDER

October 11, 2024

The Complainant alleged a superior court judge made improper rulings, failed to act on attorney misconduct, and failed to rule timely in a civil 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).

Commission member Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 11, 2024.

filed a lien against knowing that he had no valid signed contingency fee agreement for Case . Second, was never retained to represent for the Case because is not a medical malpractice attorney. Third, was never attorney of record for the Case. Fourth, has not provided any competent evidence of why he would be entitled to a contingency fee from the Case. Fifth, never prepared for trial or the mediation that led to the settlement.

knowingly knew that he did not have a valid signed contingency fee agreement, but falsely made false statements to the court that he was in possession of a signed contingency fee agreement, but he could not locate it. There was never a signed contingency fee agreement because did not ever hire for attorney to handle the Case.

already admitted to and that he knew he did not have a signed Fee Agreement for contingency fee or attorney fees. Yet, he made false statements to the court stating that he had possession of a signed agreement, but he could not locate it.

filed a lawsuit in against and , claiming a Fee Agreement that he emailed was for the Case. never agreed or signed any agreement to hire to represent her in the Case. It was well established that was not a medical malpractice attorney, and he would never be retained as such. The Fee Agreement that was sent in email in was specifically to handle small claims case for , , and various other business contract cases. presented invoice and emails from that proved that had falsely presented the Fee Agreement in as an agreed contract for Case. That agreement was also terminated in of – and again failed to disclose this to the Court. Fraudulently misrepresented the unsigned terminated Fee Agreement as a valid fee agreement for the Case.

Judge Minute Entry dated - he denied both Defendant and because we both failed to submit a good faith consultation certificate. (see attached minute entry). Both and conducted a good faith consultation with and were not able to come to agreement. Both resubmitted the Motion to Dismiss in . Judge granted his motion to dismiss on , but Judge did not rule on Julie Motion to Dismiss. Section 21 states that every matter submitted for determination to a judge of the superior court for decision shall be determined and a ruling made not later than sixty days from submission thereof.

Both [redacted] and [redacted] receive notices that case would go on dismissal calendar on [redacted]. [redacted] files a motion to continue dismissal calendar falsely claiming that [redacted] and [redacted] had not submitted Disclosure statements which was a lie. [redacted] was already released as a defendant because [redacted] never should have filed a lawsuit against [redacted]. [redacted] submitted Disclose statements [redacted], and [redacted] failed to look at his emails. [redacted] also failed to properly serve [redacted] and [redacted] the Motion to Continue on the Dismissal Calendar. [redacted] decided to change the process of email and e-filing to [redacted] without notification and instead mailed the motion. [redacted] and [redacted] never received the motion from [redacted]. [redacted] filed Motions. Judge [redacted] granted [redacted] Motion to Continue on Inactive Calendar, Minute Entry dated [redacted].

[redacted] filed Def Motion to Reconsider Extension of Dismissal and Granting Dismissal, but Judge [redacted] once again denies [redacted] Motions. Judge [redacted] Minute Entry dated [redacted], in which he denied my request to reconsider [redacted] false statements to put the case on inactive calendar.

Judge [redacted] also has failed to rule on [redacted] Second Submission of Motion to Dismiss with Good Faith Consultation which was filed back in [redacted]. It's been over 60 days and in violation of Section 21.

Judge [redacted] also has failed to rule on [redacted] Motion to Strike all Defamatory/Disparaging Statements that [redacted] made Provisional Remedy Hearing and his filings back in [redacted]. Another violation of Section 21.

Judge [redacted] also has failed to rule on [redacted] Objection to Scheduling Order that was filed [redacted]. It's been a month since [redacted] filed and no ruling made.

Judge [redacted] Minute Entry dated [redacted] – He denied my Motion to Vacate/Dismiss for Unauthorized Practice of Law, Violation of Probation and Def Reply to Plaintiffs Response to Defendant's Third Motion to Dismiss. [redacted] also failed to disclose his suspension from [redacted], to [redacted], to [redacted], and the Courts.

[redacted] filed motions and conducted Provisional Remedy Hearing in [redacted]. All filings from Plaintiff [redacted] Motion to Extend Dismissal, Joint Statement, Settlement Conference, and any additional filings during [redacted] suspension and probation time should not be allowed.

[redacted] filed false statements to the Court claiming Defendant is about to move the money permanently from Arizona and refuse to secure the money or dispose of the money or about to dispose of the money. This means that Plaintiff had to sign and file an Affidavit, under oath, explaining with particularity that Defendant [redacted] planned to dispose of the funds. There was never any probable cause, as the funds had already been sitting in [redacted] trust account for over [redacted] months when [redacted] filed the Provisional Remedy and Writ of Garnishment.

has the burden of proof to provide the evidence of a valid signed Fee Agreement for contingency fee and attorney fees. As of now, has not completed essential disclosures required under Rule 26.1, including proof of a valid signed contract pertinent to the claim of a contingency fee and additional attorney fees, and unjust enrichment.

- AZ Stat 14-1311 Standard of Proof and Burden of Persuasion- Provisional Remedy
- Statute of Frauds (A.R.S.) § 44-101 – Attorney fees
- Rule 60 - Relief from Judgment or Order, Ariz. R. Civ. P. 60 - Provisional Remedy and Writ of Garnishment.
- Plaintiff Act of Bad Faith- Multiple ER Violations

The law states that would need to provide evidence of actual signed contract and not just hearsay.

questions the misconduct of Judge because he has ignored all the violations of attorney professional conduct. filed fraudulent claims and given false testimony and engaged in conduct intended to harass his former client, delay Settlement disbursement proceedings, and abuse the legal process for his own gain. knew what he is doing to be unjust or illegal abuses of process. was employing untruthful means in further his causes for claiming money that he is not legally entitled to. sought out to mislead the judge or judicial officer, attorney, Defense Attorney by artifice or false statements of fact. is committing acts involving moral turpitude or dishonesty, failing to perform legal services competently, and refusing to properly account to clients his charges for attorney fees.

is also concerned that Judge is completely disregarding the unprofessional conduct of and all the false statements has made to continue this frivolous lawsuit. It is very hard not to question the ethics of Judge in this matter. brought all this information to Judge and he still ignored it. would also be concerned of any vindictiveness from Judge might have on my case due to the filing of this complaint.

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SBN
, SBN

Phone:
Fax:

Attorneys for

COURT OF ARIZONA

COUNTY

, No.

P.C.,

Certificate of Good Faith Consultation

Plaintiff,

v.

(Assigned to the Honorable
)

and JOHN DOE ,

wife and husband;
, PLLC, an Arizona professional limited
liability company.

Defendants.

Pursuant to Rules 12(j) and 7.1(h), Defendant tried in good faith to resolve
all issues related to its motion to dismiss by conferring with Plaintiff , through ,
by phone on . The issues were not resolved.

DATED: .

By /s/ _____

Attorneys for

Certificate of Service

The undersigned certifies that, on _____, this document was electronically filed with the Clerk of the _____ County Court, and then mailed/e-mailed to:

- Honorable _____, _____ County Court, _____
- _____, _____, _____
- _____, *Plaintiff*
- _____, *Defendant*

By /s/ _____

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IN WRITING TO THE
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CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**