

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-057

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Judge:

Complainant:

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**ORDER**

July 30, 2024

The Complainant alleged improper legal rulings by a superior court commissioner hearing a family 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 Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 30, 2024.

2024 - 057

Pro Se

IN THE COUNTY COURT

Arizona

Petitioner,

JUDICIAL COMPLAINT

And

Against

Respondent,

Judge

hereby alleges and has cause to believe and does believe that Hon. \_\_\_\_\_  
 contravened the statutes of Arizona and the judicial canons of conduct and  
 ethics during the Court proceedings held on \_\_\_\_\_ . Judge \_\_\_\_\_ (a newly  
 assigned Judge) showed an extreme prejudice against \_\_\_\_\_ and an obvious bias and  
 favoritism toward \_\_\_\_\_ as the record of evidence (transcript of proceedings) presented  
 clearly supports.

1 Judge engaged in conduct that violated the Code of Judicial Conduct which  
2 severely impacted the unfair and unjust outcome of the proceedings, which caused extreme  
3 financial harm as well as considerable emotional distress to

4 The grounds for this Judicial Complaint against Judge are as follows:

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6  
7 The Modification of Judgment and Order, Without Consent, (Rule 69 Agreement) the  
8 outcome of the proceedings, which was adopted by the Court on  
9 , violated and engaged in:

- 10 1. Egregious Conduct
- 11 2. Due Process Rights
- 12 3. Rules of Judicial Canons and Ethical Conduct
- 13 4. Coercive Tactics

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15  
16 **1. Egregious Conduct**

17 Judge , and without request by either or at any  
18 **time during the proceedings nor in the previous years, abolished all terms of the**  
19 **parties' Legal Separation agreement.**

20  
21 Without a motion or request Judge modified a non-modifiable  
22 spousal maintenance agreement. Judge reversed and modified the Honorable  
23 , Judgment and Order. <sup>2</sup>

24  
25 Judge simply "did away with" every one of the provisions of the parties'  
26 Legal Separation Agreement and Decree of Dissolution previously ordered by this Court.  
27 The parties' mutually composed the provisions of their own separation agreement to ensure a  
28

1 secure financial future and safety net for the Petitioner. Without total regard for the parties'  
2 intent to provide the Petitioner with financial stability, Judge also put an end to all  
3 future monthly income provided to in the parties' Legal Separation.

4 In doing so, Judge has detrimentally ensured the inevitable loss of  
5 future financial survival as well as home and wellbeing. did not work  
6 outside of the home for the duration of the parties' -year marriage. has no formal  
7 education or usable job skills and is of advanced age. has no reasonable probability  
8 of being financially self-sufficient in the future.

9  
10 Judge also relieved retroactively, of of past  
11 financial debt owed to by both of which were part of the  
12 Judgement and Order.

13  
14 Despite the fact had been in complete violation of, and had not complied  
15 with the Court's Order since , Judge gave relief to , and without  
16 ever a requesting relief, at any time.

17  
18 Judge continued to ignore objections, questions and responses  
19 throughout the proceedings while contradicting his own statements and rationale for justifying  
20 his unlawful actions.

21 Transcript references:

22 [\[Tr. 89:18-26\]](#)  
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2. **Due Process Rights**

Judge violated due process rights in a myriad of ways:

- a) The Judge performed second a settlement conference even though negotiation offers had already been rejected by both parties. Judge ignored his own ordered full day trial conducting his own admitted irregular proceeding. did not consent to this despite own request to obtain consent.

[\[Tr. 15:16-23\]](#)

- b) Judge denied unopposed request for a continuance of the trial to obtain counsel, and he did so without just cause. Petitioner’s counsel abruptly withdrew from the case merely weeks prior to the trial date set by Judge . Despite several attempts to obtain counsel, was

1 unable to obtain counsel capable of preparing for a “full-day” trial and in an unfamiliar  
2 case on such short notice.

3 Furthermore, the **Judge admittedly denied Petitioner’s request for a**  
4 **continuance yet with no valid reason**, while, at the same time stating, “  
5  
6 ” (pg.

7 6)

8 c) Judge held a predetermined preference for the outcome of the proceedings.

9 The Judge intentionally disregarded absolute need to obtain independent,  
10 qualified advice through representation. was obviously unmatched by a  
11 skilled and seasoned opposing attorney, had no knowledge of her legal rights and totally  
12 unprepared to be thrown into such a compromised situation. Judge aggressively  
13 persisted, using subtle coercive and threatening tactics, i.e. “

14  
15 ”, “ ”, “

16 ”, and “

17  
18 ” (Amongst many other derogatory  
19 remarks made by Judge ) The Rule 69 Agreement was obtained through an array  
20 of fraudulent means.

21 halting and restrained affirmations to the Modification of Judgement and  
22 Order were disregarded and obtained only through Judge Wharton not accepting

23 **numerous statements to Judge that she “** ”

24 **negotiate** the remaining matters that were not requested by the parties’, not properly  
25 before the court and were settled by Judge in . was given  
26 absolutely no options or “any say” in the proceedings.  
27

**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.**