

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-176

Judge:

Complainant:

ORDER

August 30, 2024

The Complainant alleged a superior court commissioner was biased in a settlement conference in a probate 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 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 August 30, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-176

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.

- The basis for my complaint is that Commissioner _____ :
1. Did not consider the law or review the evidence when negotiating the settlement
 2. Engaged in Ex Parte Communications with the other party
 3. Acted with Bias

This was a probate case regarding my mother's estate and horrific death. It was my first experience in any type of lawsuit, and I am baffled by how the judge seemed to go off of the testimony of the other party alone and ignored the piles of evidence that contradicted the testimony not to mention AZ state law that prohibits caretakers and POAs from using a principle's finances for their own personal gain or the gain of their family members.

CONSIDERING THE LAW

The judge ignored the fact that I had a will and a Durable POA that my mother completed _____ years prior and gave to me less than a year before she died in front of a witness. She ignored the fact that the POA the opposing party had was attained after my mother was legally incapacitated which is a felony. Their document was also witnessed by family members/caretakers/ and new beneficiaries which is not legal and invalidates the POA. She ignored the fact that documents provided by the other party as evidence of estate planning by my mother were not signed (revocation letter to AZCC of prior beneficiary documents- this is required for it to be valid) or obtained by my mother (all new transfer on death designations were ordered online and completed in 3rd person). She also ignored the fact that medical records showed that at the time the POA agent was having my mother sign over her LLC which owned property paid off in full- my mother hadn't bathed or eaten in weeks and was found deficient in all aspects of her life per medical records. This is illegal and abuse under Arizona State Law. The judge also ignored the fact that my mother was completely unable to care for herself and left all alone to decline mentally and physically without adequate care, and that it was the POA that canceled all of my mother's medical appointments near the end of her life and declined life preserving treatments on my mother's behalf and claimed my mother couldn't attend video medical appointments alleging that The agent's cell phone didn't have video- although that was not true- she was using an Iphone as the evidence showed.

Ex Parte Communications with the other party

I am still in the dark as to what was said or talked about that caused Commissioner _____ to have such firm beliefs that I "lose". My lawyers told me that when Commissioner _____ pulled them into her chambers privately, that she announced to them that we "lose". Why? I still do not know... When the judge did come into the room to talk to me, she held in her arms journals that the opposing party did not bring forth during discovery. While some journals were submitted in discovery, years worth were not, and the judge allowed the other party to submit this evidence during the settlement hearing and ignored me when I expressed concern that those were not shared in discovery.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: Judge's Name: Commissioner

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.

Bias
 The judge ignored copious amounts of evidence that supported my case, including an Adult Protective Services investigation that confirmed my mother was a vulnerable adult and the people in the other party, that contested me, would be in violation of AZ state law by obtaining her property and money. According to my lawyers, the judge said she didn't have confidence in the law enforcement agency, APS, so she chose to disregard the entire investigation.

When the judge did talk to me, she asked bizarre questions that had little to do with what the case was about- Asking me if my mom hit me as a child. As if it matters how my mother, who had a lifetime of mental health and substance abuse problems treated me or even years ago. She made me her beneficiary on all of her accounts and properties when I was well into adulthood and never changed this fact through better or worse for approx years as evidence shows- until weeks prior to her death when cancer had spread out of control to all parts of her body and nervous system and she had been on copious amounts of both legal and illegal drugs, including hallucinogenic compounds (provided by the opposing party- as the evidence proves), and was having some sort of delusion that I was trying to get guardianship after watching a movie about it, which the evidence proves.

The judge also had me recant my work experience from the age of to for reasons completely unknown to me and that didn't seem to have anything to do with the matter at hand... There are no red flags in my work history, as I worked my way up in the same industry over a period of years, I pay my taxes, I live debt free, I am relatively successful... So, I am not sure why I was asked such bizarre questions that were not related to the case.

Instead Commissioner asked cryptic questions like who did I live with when I was years old, and the Commissioner brought up my mental health asking about an incident where I was a victim of criminal harassment that happened years earlier, which is verified in police records and court records and has nothing to do with the case except the other party had been using the frightening incident to intimidate me and keep me away from my mom while she was dying, which the evidence proves. The incident had nothing at all do do with the matter and highlights implicit bias in the AZ court system. I should not have to disclose this, but I have never had any mental disorder nor have never been on medication for a mental disorder. While I understand that the other party made all sorts of character assassination claims- that does not mean any of them were true and it was a successful bait and switch that Commissioner should have had the experience and professionalism to not fall for. Even if I had a mental disorder, which I do not, what does that have to do with keeping my mother drugged up and having her sign over all her money and property when she is a vulnerable adult? And why would my having an alleged mental disorder make my mother's actions make sense? Most parents would want even more so to care for their special needs children if they were leaving this world and knew they had no one else. It's clear that all there needed to be was an allegation of mental illness, and apparently my life long history of being a positive contributing member of society didn't matter anymore- even though there wasn't any evidence to support the allegations and no one involved in this matter is qualified to make such an assessment.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Name: Judge's Name: Commissioner

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.

Commissioner played into this Jerry Springer style character assassination by the other party, a party that consisted of people with criminal records, bankruptcies and the head honcho works in the real estate business. She didn't even care that my mother's main concern was that her pets and tenants were taken care of and that the other party had lied and had her cats picked up and euthanized and they planned on selling her rental. Because commissioner would not be direct and ask me questions in a normal manner, I couldn't defend myself from whatever the other party alleged about me or explain whatever the other party alleged... I'm not sure what the allegations were, but clearly they were substantial since Commissioner asked me virtually nothing about the end of my mother's life or our relationship, but took the word of a group of people I do not know and have not spent any substantial time with that all helped one another to benefit from my mother's death and sat around my mom's home while she overdosed herself on drugs regularly in front of them.

Commissioner ignored AZ state law, all factual evidence, ignored law enforcement/APS reports and mentioned that because the other party had poor composure and cried a lot during her conversation, they were credible.

I would have never agreed to the settlement had I not spent already obtaining evidence to back up my claims and had the Commissioner not told me that pursuing trial was futile. I'm not wealthy and spent all I earned as a retail manager and tropical plant horticulturist for the year and part of my savings trying to get justice for my mom, so I felt I had no choice but to accept the settlement offer. When we all appeared together in the court to agree to the settlement, the judge threw in extra stipulations that were not discussed prior, adding that I had to agree to give up all my rights to any other things that were my mom's, which I felt tricked and blind-sighted, she also reduced the agreed amount to and I also was only told that my mom's car wasn't in working order at that time. This experience sets a terrifying precedent that the law doesn't matter- being likeable or a convincing actor is more important than evidence.

I get that people don't like reading, but it's the job. My mother is dead now. Her illness was not a death sentence. The evidence even showed that treatment done on the tumor that was removed was effective and she could have lived longer. and been in less pain. I don't care what the party claims, the paperwork shows that they canceled her appointments for therapy that my mother personally requested for months, which the evidence shows, and instead they ordered her hospice. Some of my mother's last words in those journals were that she wanted a hair cut and to dye her hair purple. I cut my mom's hair, I just bought her temporary purple hair dye for her birthday, as it was on her bucket list. My mom loved me and wanted to see me, and I miss her so much, and she should not have died the way she did.

I don't believe the judge reviewed the evidence and I believe my mother was a victim of a horrible crime. The state of Arizona let this happen to my parent. The person I love more than anyone in the world. This is not okay.