

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-335

Judge:

Complainant:

ORDER

December 4, 2024

The Complainant alleged a superior court judge should have recused himself in a medical malpractice 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 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 members Denise K. Aguilar, Joseph C. Kreamer, and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 4, 2024.

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

FOR OFFICE USE ONLY

2024-335

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.

File DATE
ON Trial Bench Trial we won the trial
everyone WATCH it on they couldn't
believe the judges ruling after the trial. I found
out the judges wife works at
not just works there she is the executive
Director is a facility
I was up against they have physicians
in Arizona's Fellowship Program, where
they work there & treat the people for free
pays them. If that is not a conflict
of interest what is. SHE makes a lot of
money working there. If we won the
case the judge's wife would have to answer
a lot of questions the appeal judges didn't
even look at it. I had no idea that the
courts were so ~~corrupt~~ corrupt I would have
never done a bench trial. I sent you a petition
to read. Hope you do. This judge knew what
he was doing some old man he could push
around. The other is the doctor at
that did this to me said I didn't have

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②
the right to make the decisions on my health
care when all I had to do is take
a MRI and not the fine needle aspiration
where they poked 4 holes in me and left me
for dead I was in ICU for months
you need to get this case and read it
and you will see what I went through
I wish you would at least look at it.
I am going to pursue every Ave. I can
find and outlet who will listen and see what
this judge did. I am taking my case
Court and my

ARIZONA

COURT

wife,

and
husband and

Plaintiffs/Appellants

v.

ARIZONA,

Defendants/Appellees

Court
No. _____

Arizona

No.

County Court
Case Number:

**PLAINTIFFS/APPELLANTS
PETITION FOR REVIEW**

Attorney for Plaintiffs/Appellants

- Note: 1. The Electronic Index of Record on Appeal is abbreviated as “RA.”
2. The transcripts of witness testimony are abbreviated as “T” with the name of the witness, and transcript page.
3. The trial exhibits admitted in evidence are abbreviated as “ Trial Ex.” as numbered at trial.

I. THE ISSUES DECIDED BY THE COURT THAT PETITIONER IS PRESENTING FOR REVIEW.

A. Did the Court correctly identify the issue of judicial conduct as one of **statewide importance**, and then completely miss or misconstrue that issue by only addressing the issue of **disqualification or recusal** when the issue was the judge’s lack of **disclosure**?

If the judge had **disclosed** that his wife was the Executive Director of a care facility that was receiving free medical services from Arizona physicians when Arizona was **the defendant** in this case, the plaintiffs and their attorney would have reasonably questioned the court’s ability to impartially weigh the evidence, and would certainly **not have** agreed to try **this** case to **this** judge as the sole fact finder, against **this** defendant, **without a jury**.

B. Was it clearly error for the trial court to find that defendant gastroenterologist obtained **“informed”** consent from the patient to perform an invasive endoscopic ultrasound and fine needle aspiration (EUS-FNA) when “consent” was obtained:

1. By **misinforming** the patient that he had a _____ on his

2. By **not** telling the patient that the radiologist reported that what he saw on the patient's CT scan might just be normal _____ tissue surrounded by fat that made it look a

3. By **not** telling the patient that the radiologist **and** the emergency medicine specialist emphatically recommended that he have a non-invasive, risk-free MRI to determine which it was, and

4. By **depriving** the patient of his right to information that would allow him to make a fully informed choice about his own healthcare, and not have the doctor make that choice for him?

C. Was it clearly error for the trial court to find that the defendant

Arizona's gastroenterologist, _____ complied with the standard of care, and exercised the care, skill and learning expected of a reasonably prudent gastroenterologist, when his EUS-FNA procedure resulted in four (4) separate perforations, massive infection, unviable parts of _____ and

that had to be removed, and "calamitous," life-altering damages that had **never before been seen, heard of, or reported, even in the hands of the most careless gastroenterologist or endoscopist in the world**, in any EUS-FNA procedure other than this one by _____ ?

**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.**