

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-038

Complainant: No. 1278300303A

Judge: No. 1278300303B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. A review of the recording of the trial revealed no evidence of racism, and the question of whether or not attorney's fees should have been granted is a legal one. The commission is not a court and cannot make legal rulings or change a judge's decisions.

The complaint is dismissed pursuant to Rule 16(a).

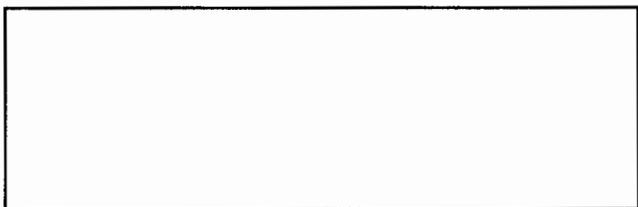
Dated: June 27, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 27, 2006.

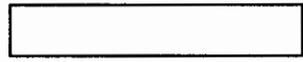
This order may not be used as a basis for disqualification of a judge.



CJC-06-038

February 3, 2006

State of Arizona.
Commission on Judicial Conduct
1501 W. Washington St., Suite 229
Phoenix, AZ 85007



To whom it may concern:

I find it repulsive that I have to write this letter to The Commission on Judicial Conduct. However, circumstances require that I put in writing my formal complaint regarding [redacted] Justice of the Peace, [redacted]. My complaint and *opinion* is that JP [redacted] is racist and he allows his racism to cloud his judgment while on the bench. It is imperative that the Commission on Judicial Conduct be made aware that, this former [redacted] Justice of the Peace for [redacted] has a blatant disregard for any legal documentation presented to him and bases his decisions solely on the color of a person's skin. This is a disgrace to the bench and the entire justice system in the city of [redacted]. It was painfully obvious that JP [redacted] decision was made well before hearing all witness testimony or reviewing any evidence, when he was seen leaning towards defendants witness, attorney [redacted] and giggling with [redacted] as he began fumbling around the witness chair before finally taking a seat. Not only did [redacted] begin court 15-20 minutes late, he then cut off an attorney's closing arguments, announcing to the courtroom that he has a busy day ahead of him and this is cutting into his lunch hour.

JP [redacted] was presented with exhibits that were stipulated to by both parties; the three most significant were as follows:

1. Medical lien, signed by Defendant and her attorney at the time, [redacted] (Defendant and [redacted] are both [redacted]. Stated in said lien; patient is aware that they are fully responsible for all bills submitted for services rendered and not contingent on any settlement, claim, judgment and/or verdict that she may eventually recover.
2. Office intake form, signed by Defendant on [redacted] indicating that she is fully aware that payment in full is due upon time of services rendered, unless other arrangements have been made (reason for medical lien above). Also stating that she would be responsible for any expenses incurred in collecting on her account.
3. ***Defendant's exhibit #2***- letter from Defendant's insurance carrier [redacted] reflecting partial payments made, from billings that were referred to defendant's health-insurance.

Additionally, in reviewing courts file at the [redacted] Justice Court, it contains copies of personal checks from defendant, made payable to plaintiff as partial payment for some of the services rendered. JP [redacted] chose to ignore all documents and proceeded to base his ruling solely on the commonality of his skin color with that of the defendant and her witness.

In the [] "minute entry" by JP [] he states that "defendant further stated she never referred billing by plaintiff to her insurance carrier." The defendant's own exhibit #2 refutes this statement! Yet, JP [] chose to ignore this fact and proceeded to base his ruling on his skin color and the skin color of the defendant and her witness.

In the [] "minute entry" by JP [] he states that "defendant stated that prior to accident, she was treated twice weekly by plaintiff and never billed because they were friends." During testimony, JP [] was advised that Defendant was the second person through plaintiff's front office doors, the day plaintiff first opened practice, [] Defendant was treated prior to her accident; however, as was stated in testimony, she was a patient of [] of which plaintiff was only an employee. This fact was also corroborated by her former attorney/witness [] and defendant [] during their testimony. JP [] chose to ignore all testimony referencing patient being treated at [] were plaintiff had no control over who was billed and not billed, instead choosing only to acknowledge that defendant claims she didn't have to pay the other doctors practice and made his ruling based on his own skin color and the skin color of the defendant and her witness.

In the [] "minute entry" by JP [] he states that "defendant stated that prior to accident, she was treated twice weekly by Plaintiff and was never billed because they were friends." In the same "minute entry" of [] he states "defendant further stated she never referred billing by plaintiff to her insurance carrier."

In addition to the egregious actions stated above, JP [] had the audacity to continue. On [] JP [] granted attorneys fees in the amount of [] and [] in court costs to Defendant. Completely disregarding the fact that proper paperwork and filing time limits were not met, (as per [] response). JP [] decision to award attorney's fees and court costs in this matter was once again based solely on the commonality of his own skin color.

The message JP [] ruling sends to our community is that if a patient is an [] [] they do not have to pay for any medical treatment in the city of [] In addition, should the doctor choose to utilize the [] judicial system to rightfully recover his fees, he will then have to pay the patient!

I insist the Commission on Judicial Conduct investigate this individual, as it is presumed a Justice of the Peace is to wear the robe to represent impartiality, fairness and our legal process! I implore you to remove him from the bench immediately, if not for this particular instance, then for the sake of all others that will be judged by him in the future. Please do not wait until he walks away at the end of the year.

In conclusion, I plead with you, to allow this case to be heard by a fair and impartial judge.

Respectfully submitted,