

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-071

Complainant: No. 1280810542A

Judge: No. 1280810542B

ORDER

The commission reviewed the complaint and found no misconduct on the part of the judge. The complainant alleged that a pro tem judge ruled against him because of bias. The commission reviewed the recording of the hearing and found no ethical violation on the part of the judge.

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

Dated: June 28, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 28, 2006.

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

Outline of Complaint:

- 1) Judge [] appeared biased against plaintiff because of the way plaintiff spoke during the hearing
- 2) Plaintiff indicated he was nervous and was not quite sure the protocol and told Judge [] he was at a disadvantage due to the defendant being a lawyer
- 3) Plaintiff was told by Judge [] the hearing was casual and could ask and answer questions in own words, but when defendant began asking questions to plaintiff, Judge [] told the plaintiff to just answer yes or no.
- 4) Judge [] engaged in personal conversations with defendant before and after case
- 5) Judge [] did not allow plaintiff to present all eleven pieces of evidence – Some of the evidence not allowed:
Oxford Dictionary used for defining use of words in complaint
Most all exhibits presented
Notarized document from [] was not accepted
- 6) Judge [] indicated that there was no motion to file to rehear case in front of a real judge and said that his decision was final (see attachment Information for Filing Small Claims Cases in Justice Court – ARS 22-505)
- 7) Judge [] said that plaintiff could not sue for pain and suffering unless specifically injured. Judge [] used a car accident as an example and said he would not hear any evidence pertaining to plaintiff's pain and suffering claim (see attachment Information for Filing Small Claims Cases in Justice Court – ARS 22-503B)
- 8) Judge [] said plaintiff was arrogant; therefore the defendant has the right to be the same back at plaintiff
- 9) Defendant did not prove his case, yet was awarded on his counterclaim which plaintiff feels was because Judge [] had issues with the way plaintiff presented his case
- 10) There was no proof the defendant's counterclaim was true and reasonable

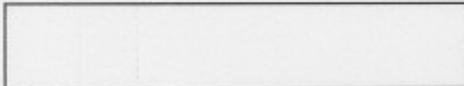


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- 11) After the hearing and after plaintiff left the hearing room, defendant questioned Judge [redacted] about his legal background and he admitted he was never a judge or lawyer prior to his [redacted] appointment.
- 12) Judge [redacted] was musing with the defendant about the plaintiff and case after plaintiff had left the hearing room and indicated to defendant that the machine was still taping
- 13) Had the plaintiff known that Judge [redacted] had no prior legal experience he would have requested a judge for the hearing
- 14) I feel that if you listen to both tapes in their entirety, you will concur with me (the plaintiff) on all observations outlined above.

Respectfully Submitted,



Attachment – Information for Filing Small Claims Cases in Justice Court
Small Claims Judgment Ruling

Encl. – CD's one and two of recorded hearing

