

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-282

Complainant:	No. 1297310282A
Judge:	No. 1297310282B

ORDER

The commission reviewed the complaint filed in this matter and found no misconduct on the part of either judge. If a judge makes an incorrect ruling or misinterprets the evidence, the correct remedy is to appeal to a court with appropriate jurisdiction. There was no evidence that either judge exceeded her authority or that any deadlines were violated.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: December 13, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 13, 2006.

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

Arizona Commission on Judicial Conduct Complaint
Against Judge [redacted]

1) Judge [redacted] violated Canon 3 (B) (5) when she manifested bias and prejudice against Plaintiff by her failure to either explain or rule on which of the two sets of records that were submitted to her court would govern the judicial proceeding in this matter. On [redacted] the Defendant provided the Court with its "Administrative Record" [See Case Information Entries]. On [redacted] the Office of Administrative Hearings filed with the Court "Record On Review" [See Case Information Entries], **which is the legal record that should have govern these proceedings.** A review of the Defendants' Answering Brief, dated [redacted], submitted by Assistant Attorney General [redacted] makes reference to both sets of records, which Judge [redacted] failed to prevent AAG [redacted] from engaging in conduct which was both bias and prejudice against Plaintiff who is an [redacted] individual.

2) Judge [redacted] willfully violated Canon 1 (A), Canon 2 (A) and [redacted] Local Rule 9.5 "A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." On [redacted] one day after Plaintiff filed his Reply Brief with the Court, Judge [redacted] issued the following illegal "Case Assignment," document (See Case Reassignment dated [redacted] which reads "On the court's own motion, IT IS ORDERED reassigning this matter to the Hon. [redacted] for ruling." [redacted] Local Rule 9.5 clearly states "A change of Judge in the Appeals Department shall be granted only for cause,..." A review of Judge [redacted] minute entry dated [redacted] does not comply with [redacted] Local Rule 9.5 in that it does not state that a change of judge is being granted because of "good cause shown", this is a gross violation of both the Cannons of Judicial Conduct and Plaintiff's Civil Rights.

3) Judge [redacted] violated Canon 1 (A) Canon 2 (A), Cannon 3 (B) (1) (5) and [redacted] Local Rules 3.1, Rule 9.2 (B) and Rule 9.5 by acting in an illegal manner by her failure to observe the following; A) [redacted] Local Rule 9.2 (B) clearly states "The presiding judge shall designate the judge(s) or commissioner(s) who shall be assigned to the Appeals Department. B) When Judge [redacted] decided to leave this case on [redacted] it should have been returned to Presiding Judge [redacted] for random reassignment under [redacted] Local Rule 3.1 "the assignment of cases...shall be done in a random manner so as to be unpredictable. Judge [redacted] "hand-picked," the judicial outcome of this case by assigning this case directly to her friend and colleague Judge [redacted] Judge [redacted] performance of her judicial duties in this matter clearly demonstrates both bias and prejudice against Plaintiff who is an [redacted] individual.

Submitted by [redacted]

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4) Judge [] willfully violated Canon 3 (8) and Plaintiff's Civil Rights. Canon 3 (8) clearly states "A judge shall dispose of all judicial matters promptly, efficiently *and fairly.*" Judge [] on [] by "reassigning" this judicial matter to her friend and colleague Judge [] in violation of [] Local Rule 3.1 violated the judicial code of conduct; such an "illegal reassignment" was not done "fairly," and has resulted in both bias and prejudice against the Plaintiff.

Submitted by []

Arizona Commission on Judicial Conduct Complaint
Against Judge [redacted]

CJC-06-282

1) Judge [redacted] violated Canon 1(A), Canon 2 (A) Canon 3 (B) (5) (8) (C) (D) (E) (A) and [redacted] Local Rules 3.1, Rule 9.2 (B) and Rule 9.5 by acting in an illegal manner by her failure to observe and comply with the following;

A) A judge who has knowledge or who receives reliable information that another judge has committed a violation of this code shall take or initiate appropriate action. A judge who has knowledge or who receives reliable information that another judge has committed a violation of this code that raises a substantial question as to the judge's honesty, trustworthiness or fitness as a judge in other respects shall inform the appropriate authority. Judge [redacted] accepted this "case reassignment," in clear violation of [redacted] Local Rule 3.1. Judge [redacted] had both full knowledge and reliable information that this case transfer did not comply with [redacted] Local Rule 3.1 since it was not assigned to her by Presiding Judge [redacted] but instead Judge [redacted] was accepting an illegal case transfer from her colleague.

B) Judge [redacted] judicial integrity and independence was compromised by her actions in this case by Judge [redacted] accepting this case from her friend and colleague Judge [redacted]

C) Judge [redacted] is a "Family Law Judge," who has not been assigned to the Appeals Department by Presiding Judge [redacted] Judge [redacted] involvement in this judicial matter is a clear violation of both [redacted] Local Rule 9.2 (B) which state that the "presiding judge shall designate the judge(s) or commissioner(s) who shall be assigned to the Appeals Department."

D) Judge [redacted] failed to comply with the law when she has knowledge that her fellow colleague Judge [redacted] failed to state in Judge [redacted] illegal reassignment of this judicial matter that Judge [redacted] violated [redacted] Local Rule 9.5 in that Judge [redacted] never that as the prior Judge in this matter that "A change of Judge in this Appeals Department shall be granted only for cause.

E) Examples of Judge [redacted] violation of both Canon 2 (A) and Canon 3 B (1) (5) (8). Canon 2 (A) "A judge shall respect and comply with the law and shall at all times in a manner that promotes public confidence and impartiality of the judiciary." Canon 3 (5) "A Judge shall perform judicial duties without bias or prejudice." Canon 3 (8) "A judge shall dispose of all judicial matter promptly, efficiently and fairly." Judge [redacted] judicial conduct has been less then "fair," when as a judge Judge [redacted] has refused to address or rule on this citizen's concerns with respect to the following laws in this judicial proceeding: 1) A.A.C. R4-6-1001 (A)(B) (C) (D) (E) 2) A.R.S. § 41-1061 (E) (1) (2) (3) (4) (5) (7) 3) A.R.S. § 41-1061 (G) 4)A.R.S. § 12-904 (B) (2) (3) 5) A.A.C. R4-6-904 (B) 6) A.A.C. R4-6-902 (B) 7) A.R.S. § 12-909 (B) 8) A.R.S. § 12-910 and

Submitted by [redacted]

A.R.S. §32-3281. Complainant is greatly interested in reviewing Judge [] written response to how she as a Judge has complied with all of the above under both Canon 2 and Canon 3.

F) Judge [] displayed both bias and prejudice against Plaintiff by violating Canon 2 (A) Canon 3 (B) (1) (2) (5) The "administrative file," submitted by [] fails to comply with the law-it does not conform with Arizona Statues § 41-1061 (E) (2) (4) A.R.S § 12-904 (B) (2) (3) (4) which the court failed to rule on.

G) Judge [] displayed both bias and prejudice against Plaintiff by violating Canon 2 (A) Canon 3 (B) (1) (2) (5) Plaintiff brought to Judge [] attention that [] denied Plaintiff his rights to fundamental due process under A.R.S. §41-1061 (E) (4) by [] refusal to accept Plaintiff's objections and offer of proof for exhibits which had been denied admission as evidence. An alleged "neutral third party," would not deny any citizen of the State of Arizona their Civil Rights one would like to believe.

H) Judge [] displayed both bias and prejudice against Plaintiff by violating Canon 2 (A) Canon 3 (B) (1) (2) (5) (8) Plaintiff brought to Judge [] attention that Assistant Attorney General [] denied Plaintiff his rights to fundamental due process under A.R.S. §41-1061 (E) (4) by stating objections to Plaintiff's legal and Civil Rights to make an offer of proof under this Arizona state statute.

I) Judge [] displayed both bias and prejudice against Plaintiff by violating Canon 2 (A) Canon 3 (B) (1) (2) (5) (8) when as a "Judge," Judge [] "dehors" the court record on Page 4 of its [] Ruling when Judge [] wrote "Plaintiff was provided a letter dated [] that set forth the Committee's findings. (See Ruling Page 4, first paragraph, dated [] All citizens in the State of Arizona are impacted when a Judge "cites," material in a judicial proceeding which dehors the record since this alleged document cited in not in the record that comprise the evidence that was admitted under A.R.S. §41-1061 (E) (4).

J) Judge [] displayed both bias and prejudice against Plaintiff by violating Canon 2 (A) Canon 3 (B) (1) (2) (5) Judge [] has legally failed for more then 2 full months to have entered into the judicial record with the Clerk of the Superior Court Minutes Entries 2 separate documents dated [] (See copy of Clerk of the Superior Court Minute Entries, dated []

K) Judge [] displayed both bias and prejudice against Plaintiff by violating Canon 2 (A) Canon 3 (B) (1) (2) (5) Judge [] has legally failed for more then 2 full months to have entered into the judicial record with the Clerk of the Superior Court Minutes Entries a copy of her alleged decision dated [] Which to date Plaintiff has not received nor is the Clerk of the Court able to provide Plaintiff with a copy any such alleged decision since a physical copy of this judicial record has not been presented to the Clerk of the Superior Court. (See copy of Clerk of the Superior Court Minute Entries, dated []

Submitted by []

L) Judge displayed both bias and prejudice against Plaintiff by violating Canon 2 (A) Canon 3 (B) (1) (2) (5) Judge has legally failed for more then 2 full months to have entered into the judicial record with the Clerk of the Superior Court Minutes Entries her signature that all of the minute entries are complete and as a fact of law could be transmitted to the Court of Appeals, if necessary.

Submitted by