

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-218

Complainant: No. 1316710439A

Judge: No. 1316710439B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of any of the judges. Although the Americans with Disabilities Act may have been misinterpreted by the court, the complaint involves a federal legal question that is beyond the jurisdiction of the commission. The commission is a state agency and not a court. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: December 4, 2007.

FOR THE COMMISSION

 \g\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 4, 2007.

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

[Redacted]

August 15, 2007

AUG 15 2007

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against:

[Redacted]

I am a disabled female. I have been severely discriminated against by this Court and denied needed reasonable disability accommodations and an opportunity to participate in my legal Hearings and Trials. I don't believe that this Court has an appropriate person in place to serve as the ADA Coordinator to assist with this discrimination. When I filed Grievances with the Court, they refused to respond and outsourced it to some [Redacted] City Attorney. It appears to me that this Court needs some guidance and training in ADA disability matters and how they should be properly addressed.

I first encountered disability discrimination problems with this Court back in [Redacted] when I had a speeding ticket that I disputed. I needed disability accommodations in the main court building because it was winter and they had gas heat. I was refused the reasonable accommodations that I requested and was subjected to a bunch of extremely hostile security guards who seemed to have no understanding of disability issues or their obligations. I spoke with the Dept. of Justice Technical Assistance people during those negotiations, and they kept telling me that these people really needed training in ADA matters.

In [Redacted] of this year I was back in this Court, with the same Judge, in an illegal disability housing eviction case. I had already filed disability discrimination complaints with HUD before the eviction notice was filed. I asked the Court to allow the AG's office to complete the disability discrimination investigation of the case first. They refused. I asked that the case be transferred to the Federal Court since it was not the appropriate court or venue for a Fair Housing case. They again refused.

As soon as I walked into the court for the Trial I started having health/disability problems and started asking the Judge for accommodations. The [Redacted] Trial continued all day and she refused all of my accommodations that were requested. I was entirely

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[Redacted]

unable to participate in the Trial because of this and was very ill. I kept telling her that I was sick and I needed to stop the Trial and continue another day but she refused.

I moved out of the apartment in question, and asked the Judge to dismiss the case. She scheduled a Hearing on [] to address the Landlord's Lawyer's request for me to pay his [] fees for his illegal eviction. I requested accommodations for this Hearing and they were again denied. I was again unable to participate in the Hearing and got very sick. The Judge did promise to provide accommodations for the next Hearing though. I was harassed in the courtyard waiting for the Hearing with a dead bird, which is an ongoing harassment technique used against me by this Landlord's Lawyer. This dead bird harassment in the Court was extremely upsetting to me and when I wrote a letter to the Presiding Judge telling them of this and asking for assistance, I was contacted and told to not contact the Court ever again.

The Judge ruled in the illegal eviction Lawyer's favor, so I filed complaints with the Court requesting that the Trial and decision be dismissed and a new Trial scheduled where my accommodations were provided and I could participate. I requested a different courtroom in a different building to resolve my disability needs. The Judge refused my request for a new Trial, and scheduled what she called a "Continuation of the first Trial".

In the mean time my Legal Aid Lawyer who is good buddies with the Judge and the illegal eviction Lawyer, refused to provide services for me and requested withdrawing from the case. The Judge scheduled a Hearing to address my Lawyer's refusal to do his job. A few days before the Hearing, I got extremely sick from the very filthy motel I was confined to living in because no one will rent to me because of my disability. My eyes, ears, sinuses, and other areas were very infected with several bacterial infections. I lost my voice and couldn't talk. I was taking three different types of antibiotics. I couldn't go to the Court. I again requested accommodation from the Judge - I needed a Continuance until I recovered so I could attend and participate in this 3rd Hearing. She again refused my accommodation request and she had the Hearing without me. I wasn't allowed to speak or present my case or needs regarding this extremely problematic and abusive Lawyer. He had been deliberately misrepresenting me and threatening me. She ordered him to represent me, which is not at all what I wanted, and contrary to my interests.

The Judge had the Trial Continuation scheduled for [] My Lawyer left town for a two week vacation instead of preparing my case. He refused to meet with me or do his job. When I entered the Court building on [] I immediately got extremely dizzy and got a very bad headache and started having some pretty significant health symptoms. I knew that I had been exposed to some type of chemical or gas exposure in the entrance. I immediately talked to the security guard (who is the ADA Coordinator) and he said

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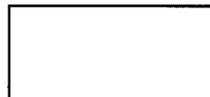
they were painting. Fresh paint fumes make me very sick. The Court was well aware of my disability and illness by this time, and I was not warned about this painting project, which they knew about. I asked the Judge for a Continuance. I told her I was having a medical emergency and needed to leave to get health care and could not participate. She again refused my accommodation. My abusive Lawyer who defied the Court and refused to prepare my case was there yelling at me. The illegal eviction Lawyer only had some of the previous witnesses there who had attended the original Trial.

I informed the Judge that my Lawyer had not followed her orders and still refused services and I asked for her assistance. She refused. I told her I was not able to participate because I was sick from the paint exposure caused by the Court and my Lawyer could not, so she partially dismissed him and made him stay to assist me and forced me to "redo" the first Trial sick, representing myself, with half of the witnesses missing (who were crucial to my case). She still had an extremely biased and discriminatory attitude. She interrupted me a lot and refused to allow me to speak on several occasions about issues that could be life threatening for me. She again ruled against me and

She hasn't ruled on the amount of money to award the illegal eviction Lawyer yet. I have filed complaints with the Court again regarding the disability discrimination in every single instance in this Trial. I spoke to the maintenance department and found that all of the entrances to the Court had been freshly painted right before I arrived on so there was no way I could get into the building without walking through fresh paint fumes. I have requested an opportunity to be able to speak to address the life threatening issues that the Judge refused to listen to. I have asked the Court to address my Lawyer's Contempt of Court in refusing to provide services as ordered. I have filed an Appeal with the AZ Superior Court and that is on hold I am told until the Judge resumes hearing this case.

My Civil Rights have been denied by this Court in every single dealing I have ever attempted with them. I have contacted the Presiding Judge many times asking for his assistance and intervention in the ongoing violation of my Civil Rights in his Court. He refuses to respond and refuses to address the situation saying it's up to the Judge who is hearing my case. I keep trying to tell him that ADA issues are separate Federal legal issues with the Court, not Motions to be filed with the Judge hearing this AZ State case. He is forcing me to handle ADA issues as Motions in the case this way and refusing to talk to me. I also believe that the Judge they have handling this case is not an employee of the Court. I know she only works part time and I think she is a contracted provider, not an employee, which concerns me more. The Court has also refused my requests for privacy since these are disability and private medical issues. In the first Trial, they had

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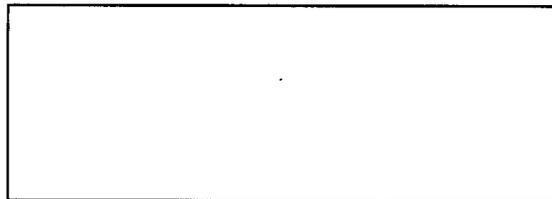


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other lawyers and tenants in the Courtroom who were listening and verbally abusing me loudly in the court because of my disability needs.

This mess still isn't over and is still pending in this Court. I need the assistance of the Dept. of Justice to intervene and require this Court to provide needed accommodations, a Lawyer, and an opportunity for me to participate in my Hearings and Trials. This decision will affect my ability to get decent housing for seven years since I have no income or ability to pay fees to the Lawyer who illegally evicted me. Living in substandard housing is how I became ill, and being confined to living in it for seven years could become life threatening for me. The Attorney General's Investigation found them guilty of Retaliation and an improper eviction. I have a lot of evidence in the form of CD's of tape recorded Hearings and Trials, written communications, and tape recorded phone conversations.

I believe that this painting project on [] around the entrances was planned and known and I was intentionally not informed by the Court. I believe that this Legal Aid Lawyer, the Justice Court, and the Landlord's Lawyer are conspiring together. I have filed complaints also against [] Legal Aid which are connected to this complaint. It's a small town and they all know each other. I think that the city of [] is very corrupt and needs to be addressed as a larger problem.



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