

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-015

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Complainant: No.1326500234A

Judge: No.1326500234B

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**ORDER**

The commission reviewed the complaint filed in this matter, as well as the court file, and found no ethical misconduct on the part of the judge.

Because the contents of the complaint do not support the claims, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 30, 2008.

FOR THE COMMISSION

Is\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on June 30, 2008.

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

I am making this complaint because I will not receive justice after many months of expecting that my case would be heard before an impartial judge. I have not seen this.

First, however, let me give you some background. I was hired by a woman and her company to be a substitute teacher. After performing work as a substitute teacher I was not paid. Thereafter, I sued the woman and her company after it became plain I would not get paid. This is the essence of my lawsuit.

The woman I am suing, however, has two law degrees and the Court allows her not to follow the rules. Let me explain incidence which range in varying degrees. I filed my complaint against two parties -against the woman as well as her company. Thereafter, a motion to dismiss was filed by only one of the Defendants. It was not clear if it was the woman or the company was filing. Throughout the proceedings I have complained to the Court about defendants not identifying themselves properly without any meaningful response or acknowledgement by the Judge.

I have also filed a motion for judgment on the pleadings against each defendant. Neither defendant had filed an answer to the complaint. Also, neither defendant filed a timely response to my motion. Guess what the judge did? The judge ruled against me. How can that be? The case should have ended then and there. Now after the time had passed the woman filed her answer and some other response. But so what? Why should the rules not apply to her?

Last year my job took me to \_\_\_\_\_ which is a substantial distance from the Court. During this time there was a status conference scheduled by the Court which the parties were advised they were required to attend. Since this matter was very important and I was advised my case could be dismissed if I did not attend I took a day off from work. This caused me to lose a day's pay. I also had to rent a car, again costing me money. When I arrived for the status conference there was no judge and I was told that the other party could appear telephonically. Apparently the defendant had filed a motion at the last minute - I never received a copy of the motion. The Judge granted defendant's motion and I was advised of this only after I arrived after taking the day off. The judge, however, took the day off and was unavailable. Absolutely nothing was accomplished and without the judge present to oversee the status conference. the defendant simply screamed at me over the telephone at the status conference.

A large issue in the case is evidence. I have provided my Rule 26.1 Disclosure in a timely manner. So I was very careful in providing answers and documents and other evidence to comply with this rule. I dutifully sent off my copies expecting the same from the defendants. Their Rule 26.1 Disclosures never came and I advised this fact to the Court. The Court has never made ruling on this. Only on the day of trial - \_\_\_\_\_ was the Rule 26.1 Disclosure provided by Defendants' attorney. Again, I have followed the rules, but the Court allows the other side not to follow the rules.

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There is another matter regarding the Defendants which I mentioned to the Court in writing. That is, that I have never received any documents, motion or paper from the Defendants until a couple days ago when Defendants retained counsel. If Defendants file something I am never advised of it.

I have been required to monitor the Court's docket to see if something has been filed. This is simply wrong because it allows the Defendants to secretly file something and give the impression to the Court I haven't responded. Why would a Court allow such behavior?

Finally there is the matter of the trial. There have been two solid dates set for trial. On the first solid date set for trial I was fully prepared to present my case. I went through extraordinary lengths to subpoena witnesses with documents. My witnesses took off from school to attend, and of course I took my time off as well. I had the additional of expense of paying the witness fees and mileage for my witnesses. When I arrived for trial I was told the trial had been cancelled.

Again, at the last minute one of the Defendants had filed a motion to adjourn which I had not seen and the Judge ruled on it without giving me an opportunity to respond. So there I was trying to explain to my witnesses what had happened. I felt terribly foolish because I could not explain why I had taken them away from their work.

I was told the trial would be set again . So I hoped again that I might have a remedy to the wrong which had been done to me. My witnesses were hesitant to come on my behalf because when they came before there was no trial. Still, I prepared the best I could. Guess what happened next? The afternoon before the trial the Court adjourned the trial again. I have no reason why. So I think to myself how many times is this going to go on? Then, I start to think of all the time, money and emotion I have invested in this lawsuit. I am embarrassed to ask my witnesses to appear on my behalf because I can't explain what is going on with the court. I have to try to explain to work about another trial date and taking more time off for some future trial date. I have to prepare yet again wondering if there really is going to be a trial date.

The explanation for cancelling the second trial came in the mail two days after trial had been cancelled. Defendants obtained counsel who wanted to take my deposition and not have a trial that day. So on the very day of trial Defendants' counsel mailed me copy of the Rule 26.1 Disclosure Statement. I was also received a Notice of Taking Deposition. I have enclosed my Objections to the Deposition and Other Discovery and Request to Declare Discovery Closed.

I have simply had enough of this matter. I want this lawsuit to end and I don't know how to do it. It has simply become a series of exhausting events for me at this point and I have no expectation that justice will be served.