

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-243

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Complainant: No. 1345710203A

Judge: No. 1345710203B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. A judge is permitted to preside over different cases involving the same parties.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 22, 2009.

FOR THE COMMISSION

\s\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on January 22, 2009.

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

To: Commission on Judicial Conduct  
Re: Complaint Against a Judge

1501 W. Washington Street  
Suite 229  
Phoenix AZ 85007

## Complaint

There are two cases to consider in this matter and where "Conflict of Interest" is a catalyst the issues related to this complaint. Judge        has been the presiding judge on the Plaintiff's Civil Case for two years. A recent scheduled rotation moved Judge        Civil Court to Family Court and incredibly onto the same Plaintiff's case there

Judge        refused to rotate off of the Plaintiff's civil case stating she wanted to rule on a motion the parties in the civil case were arguing (a Third Amended Complaint). Judge        refused to let Judge        enter the case in the civil matter and "incredibly" Judge        landed on the Plaintiff's Family Court Case. **Judge        was now presiding over the Plaintiff's Civil Case AND Family Court Case at the same time** where she was immediately subjected to motions by the adverse counsel in the family court case that may have prejudiced her adverse ruling in the civil court case. Not only is the Family Court Case an area where many negative allegations could possibly influence impartial decision making but some of the documents and contracts (eg. A "Stock Purchase Agreement") that were part of "the divorce" are being contested in this Civil Case Judge        sat on for two years.

Judge        is leaving a Pending Civil Case where the same documents "of great contention" have been long standing in this Family Court Case she is now entering. An impartial judiciary and ongoing fair trial with Judge        for the Plaintiff would be impossible in this Family Court Case. The plaintiff has a right to a fair trial and impartial and uninfluenced judiciary in his ongoing divorce case with a Judge that comes in with no prior knowledge of information from previous cases such as is the case in this Family Court Case and therefore constitutes a conflict of interest. In this case the possibilities of "conflicts" are overwhelming and where the Plaintiff cannot address this Judge without knowing that she knows a great deal of information about documents from the Civil Case that are part of the Family Court Case that may influence her decision making now and in the future.

The fact that Judge        placed herself in both cases of the Plaintiff (where she could have voluntarily recused herself), failed to disclose her simultaneous placement, failed to state that there may be a possible conflict, proceeded to make rulings in both cases, and denied motions for recusal, and threw the Plaintiff in jail on the same day he motioned for her to recuse herself. It is important to note that Judge        was well aware that a \$3500 Contempt of Court ruling against the Plaintiff was SOLELY for adverse attorney's fees (never ruled in the nature of child support) and sited this civil judgment issue of unpaid attorney fees as "child support" in her minute entry.

Prior to an evidentiary hearing, the plaintiff was incarcerated on the afore mentioned and what should have been a civil matter of unpaid adverse attorney fees. Judge        further went on to call jail officials to make sure that the Plaintiff not be allowed to do a work-release program nor be able to apply for ANY jobs that are computer related (for no explicable reason). Both civil and family cases have been greatly compromised by the Judge's refusal to disclose her dual appointment and to subsequently refused recusal.

In the Family Court Case Judge        was immediately subjected to very controversial allegations by the adverse counsel while only 3 days later denying the Plaintiff's Third Amended Complaint in the Civil Case, a complaint she instructed the Plaintiff's counsel to draft. There are many levels of potential conflict in the Family Court Case (and even the overlapping period in the Civil Case) and at the very least, within in the guidelines of Judicial Cannons, the "appearance of impropriety" from a Judge who is bound by higher standards. Why Judge        would choose to rule on both cases without even bringing up the possibility of conflicts like most Judges do when they enter a case, violates every principal of disclosure, conflict of interest, and ethical conduct. I respectfully request and investigation into this unusual set of circumstances and welcome and opportunity for evidentiary reviews.