

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-174

Complainant: No. 1366610394A

Judge: No. 1366610394B

ORDER

The commission reviewed the complaint filed in this matter and concluded that the judge did not engage in conduct that violated the Code of Judicial Conduct. However, the complaint was dismissed with a private comment pursuant to Rule 16(a), advising the judge to refund the fees for subpoenas that were never issued and instructing him that correspondence concerning such fees would not constitute ex parte communications.

Dated: December 1, 2009.

FOR THE COMMISSION

\s\ William Brammer

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 1, 2009.

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

July 4, 2009

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Arizona Commission on Judicial Conduct
1501 W. Washington St., Ste. 229
Phoenix AZ 85007 (602) 452-3200

I am attaching a copy of the Commission's form for submitting a complaint against a judge. I have a question about the conduct of Chief Judge _____ of the County Justice Court. I am an attorney licensed in Arizona, no. _____. In 2008, as plaintiff *in pro per*, I filed a case in _____ County Small Claims, CV _____. The defendant, _____ transferred the case to _____ County Justice Court.

In the course of the litigation, I requested 7 witness subpoenas by writing to the Clerk of Court of _____ County Justice Court. Copies of all seven subpoena requests are attached. I initially requested four subpoenas, then three more. I sent two cashier checks made out to the Clerk of Court, for \$68 and \$51. Copies of these checks are attached. Both checks were cashed, as described in my letter of January 17, 2009, addressed to the Clerk of Court. A copy of that letter is attached. As stated in that letter, I wrote to the Clerk of Court to question why the subpoenas had never issued and what happened to my funds. The total of the two checks was \$119.

Judge _____ issued a Minute Entry dated January 27, 2009. This was in lieu of a response from the Clerk of Court. A copy of the said Minute Entry is attached. The Minute Entry states "Pursuant to Plaintiff's request to refund filing fees in the amount of \$119.00, for the potential issuance of three [sic] subpoenas, this request is denied."

Being very much surprised by this, I filed a request for an extension of time to file for an appeal in my matter, dated February 21, 2009. In my pleading, I pointed out that pursuant to Arizona Superior Court Rules of Appellate Procedure (Civil) R. 4(d), an appellant must pay certain fees to the Clerk of Court in order to file an appeal. This I hesitated to do because I did not know where the money would go. I also addressed a letter on the subject to Judge _____ dated February 1, 2009, a copy of which is attached. In response, the Judge issued a second Minute Entry dated March 2, 2009, stating in part: "It is further ordered the denying of the requests." A copy is attached.

I am still wondering why the Judge has done what he has done, and where my money went. Can the Commission on Judicial Conduct help me find out?

Sincerely,