

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-261

Complainant: No. 1374110108A

Judge: No. 1374110108B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. The complaint, which primarily concerns substantive legal issues, is dismissed pursuant to Rules 16(a) and 23.

Dated: December 18, 2009.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on December 18, 2009.

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

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 State of Arizona
 Commission on Judicial Conduct
 1501 W. Washington Street, Suite 229
 Phoenix, Arizona 85007

FOR OFFICE USE ONLY

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____

Date: **Case initially filed on July 30, 2008 and currently not resolved.**

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

I believe that, to date, based on the Rules of the Arizona Supreme Court and specifically Rule 81. Arizona Code of Judicial Conduct, the above mentioned Judges' at the _____ County Consolidated Justice Court have not followed through as required in their professional capacity or as ordered by the Supreme Court of Arizona. A simple case filed, CV _____, for the rent deposit and one month advanced rent paid was filed on July 30, 2008 along with email correspondence – which included my request for a move-out inspection so as to expedite the return of my money, pictures of property when I vacated, copy of rental agreement, rent payment check copies, and police documentation, all of which were not considered by this court and case was dismissed. I then filed an appeal which was accepted and file stamped by this court upon accepting this case that I was filing, only to later be informed that I could not file an appeal for this case. I decided to file a “Motion to Dismiss” for case CV _____ being that I discovered that the case was re-opened. I thought that I would re-file another case so that it would be less complicated to decide since I so desperately need my money (case CV _____). In this most recent case filed, I have requested my rent deposit (the maximum allowed in the State of Arizona for non-compliant landlords plus other unexpected expenses that I can claim as stated in the Arizona Residential Landlord and Tenant Act. With no response filed by the defendants' within the time allowed by the court, I proceeded to file for a “Default Judgment – July 6, 2009). I also filed a “Motion to Deny the defendants' Motion to Dismiss” the same day that I filed the “Motion for Default Judgement”. This “Motion to Dismiss” filed by the defendants' was filed after they received noticed of my file for a default judgement and the court never received an answer to the civil

complaint that I filed initially. I was phoned approximately a week later by a clerk, , telling me that the case was dismissed because I had not served the defendants' properly, which was incorrect since I took all of the paperwork given to me at the County Consolidated Justice Court to the County Constables' office so that they could provide this service on my behalf being that I was confident they would do exactly what I needed since they are experts in this capacity and know their job well. I went back to their office to inform them that the court had said that they did not do what they were supposed to do correctly. They were stunned and informed me that the clerk was incorrect. I later spoke with her once again and she told me that she had forwarded the file to Judge .

Even though I chose to move out of the rental home at in , AZ a month early based on extenuating circumstances, I was still compliant with Arizona laws since I had already paid my rent until the end of the lease; thus complying with and/or fulfilling my obligation/responsibility as stated in the rental agreement. I also considered the advice of the Police Department of great value because of their reliability, trustworthiness, and sincerity in protecting me and believe that they truly provided this advice for my safety because of the gunshots fired at this rental home following what may have been a 'home invasion' had I not flicked the backyard light off and on in this "known" unsafe/high crime area that I moved to immediately following my husband's death.

The Arizona Code of Judicial Conduct, Canon 1 states that "A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety - Rule 1.1, 1.2". This is not evident in both of the civil cases I have recently filed. Canon 2 also states that "A judge shall perform the duties of judicial office impartially, competently, and diligently - Rules 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.9, 2.14, 2.15 " which also has not taken place concerning these cases and is so very obvious in both since it appears that the defendants' are not required to follow the judicial process that I must follow; ultimately making this court within the United States of America appear to be a travesty. I may be very, very vulnerable at this time, deeply pained - experiencing 1) a pain I had never felt before, 2) a pain I feel every day, and 3) a pain I know that I will never forget. I also realize that my thought process/memory is not always the best at this time since my husband's tragic fatal accident, but I know that I am certainly not an unintelligent

individual that does not understand or know the difference between following rules/policies and right/wrong. I also believe that the defendants and their attorney, Mr. _____, are all professional business individuals that also understand what is expected of them and understand the importance of time constraints and/or responses to legal actions.

The judicial proceedings that have taken place for the above noted cases that I recently filed do not appear to comply, follow, or abide by the Arizona Supreme Court Preamble:

“AN INDEPENDENT, FAIR, AND IMPARTIAL JUDICIARY IS INDISPENSABLE TO OUR SYSTEM OF JUSTICE. THE UNITED STATES LEGAL SYSTEM IS BASED UPON THE PRINCIPLE THAT AN INDEPENDENT, IMPARTIAL, AND COMPETENT JUDICIARY, COMPOSED OF MEN AND WOMEN OF INTEGRITY, WILL INTERPRET AND APPLY THE LAW THAT GOVERNS OUR SOCIETY. THUS, THE JUDICIARY PLAYS A CENTRAL ROLE IN PRESERVING THE PRINCIPLES OF JUSTICE AND THE RULE OF LAW. INHERENT IN ALL THE RULES CONTAINED IN THIS CODE ARE THE PRECEPTS THAT JUDGES, INDIVIDUALLY AND COLLECTIVELY, MUST RESPECT AND HONOR THE JUDICIAL OFFICE AS A PUBLIC TRUST AND STRIVE TO MAINTAIN AND ENHANCE CONFIDENCE IN THE LEGAL SYSTEM.

JUDGES SHOULD MAINTAIN THE DIGNITY OF JUDICIAL OFFICE AT ALL TIMES, AND AVOID BOTH IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN THEIR PROFESSIONAL AND PERSONAL LIVES. THEY SHOULD ASPIRE AT ALL TIMES TO CONDUCT THAT ENSURES THE GREATEST POSSIBLE PUBLIC CONFIDENCE IN THEIR INDEPENDENCE, IMPARTIALITY, INTEGRITY, AND COMPETENCE”.

I have included court document copies showing the events that have taken place to date.

(Attach additional sheets as needed)