

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-026

Complainant: No. 1384510488A

Judge: No. 1384510488B

ORDER

The complainant alleged the judge was rude, intimidating, and sarcastic and engaged in an ex parte conversation. The commission reviewed the complaint and found insufficient evidence of ethical misconduct on the part of the judge to warrant further investigation. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 16, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 16, 2010.

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

January 28, 2010

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GENERAL INVESTIGATIVE DIVISION

Re: Upcoming 2010 Elections – Judge

Dear Supervisor

I ask that you promote candidates to take the position of Judge who is up for re-election. My experience in his courtroom and what I've learned from others, especially women, shows that it is past time for him to leave. I know his personal life and habits reflect the way he treats women and could explain his unbalanced behavior in the courtroom. If you are tempted to dismiss this letter, just look into that.

It is a fact that every organization remains healthy and effective by rotating its leadership. This needs to be done in the case of Judge Any experience he has acquired is outweighed by his ineffectiveness and poor conduct. Without proper knowledge of the law, an ability to be unbiased and logical, and without the humility to follow the protocol of the courtroom, he is worse than ineffective – he is dishonorable, unjust, and unlawful.

My case in front of him in Small Claims Court was basic and clear cut. I had dishonest landlords who rented out a substandard dwelling. It was subsequently shut down by the City of Sedona. There are other types of complaints made to the City about these landlords. I had clear evidence and witnesses. simply refused most of it, none of it ended up in my file and little was considered in court. What is in the file is a statement by the landlords, entered into the file *before* the court date. The Clerk told me I could *not* submit evidence ahead of time. The statement contains 23 different lies by the deceitful landlords. read this. When he entered the courtroom his mind was already made up. He tore into me as if I were a criminal, did not let me enter evidence, and basically shut me down. At one point he spoke to the landlord on the side about the utilities issue, without including me in the conversation or letting me see their "evidence," and I could not hear what they were saying. I had black and white proof substantiating my claim on that issue. It is not in the file, even though I did give that to in the courtroom.

He said I had 3 minutes to find a letter to the landlord and then he would stop the proceedings. I had all necessary letters that I sent the landlords on the advice of the Tenants' Union advocate. I followed the law exactly. The letter wanted had nothing to do with the law – it is not required. When I tried to explain to him that I was not required to fix or offer to fix a heating/cooling system with my own money, he shut me down again. I could have referenced the exact law, if he chose to listen. He did not.

Throughout the all too brief proceedings, he was sarcastic, ridiculing, rude, disrespectful, and intimidating - even to my witnesses. Worse, he was illogical. Above all – he did not know landlord tenant law. When I made reference to consulting an attorney, with spite he barked at me, "Well, where's your attorney *now*?" I was always calm and courteous. I simply waited for his clouded mind to clear. It was as if he was drunk and was unaware which courtroom

he was in. There are no attorneys allowed in Small Claims. Obviously, I needed one to advocate for me in front of Lundy. A glimpse of awareness flashed over his face and he muttered something under his breath. I endured several assaults of that nature from him. I did not expect a judge to be so emotional. Where is all this negative emotion coming from?

Despite the fact I was by law entitled to so much more, all I wanted was my security deposit back. I had black and white evidence proving it had been wrongfully withheld by the landlords. [redacted] did not rule on that issue, or any issue. I did *not* get my security deposit back. I was shocked and appalled.

Before deciding to avail myself of the justice presumably (but not) provided by Yavapai County, I familiarized myself with landlord tenant law reading the handbook made available by the City of Sedona and the full text of the law, online through the State. I contacted the Tenants' Rights organization to make sure of the right procedures I should take. I never withheld rent. I consulted two attorneys before I went to court, one at my church and then one who actually teaches landlord-tenant law. *I did not want to go to court at all.* With the encouragement of the attorney, the goal was to help stop these landlords from exploiting more tenants. I was assured by these three experienced parties it was the right thing to do. It was. No one guessed that [redacted] is so emotional and unjust.

Everyone involved was dumbfounded that [redacted] didn't rule in my favor - except the Tenants' Rights advocates. They are not surprised that a judge lacks knowledge of or interest in tenants' rights. They were surprised at his bad behavior. The attorneys were shocked that [redacted] did not rule on the actual Complaint. That is, he did not make a ruling or even a comment on the items listed in my complaint. He just blew me off completely. There is basically nothing in the file on my behalf, no summary, no explanation of the claims, and no evidence.

The attorney suggested I file a complaint with the Commission on Judicial Conduct. He even printed out the form for me. I read the Code of Ethics carefully and concluded definitely violated more than one code. When I spoke to a court employee about filing the complaint, she said "good luck" getting anything to happen, and that "a judge would have to commit murder, and even then..." Since I was dealing with cancer at the time, I decided it was probably a waste of my energy. The stress of that encounter with Lundy negatively impacted by health. I thought if a Judge is allowed to act the way [redacted] does, and has done to others, even in important cases like restraining orders - matters of life and death - well, what is the use of my complaining?

With the elections coming up, I am reminded of my traumatic experience in a Yavapai County courtroom and am reaching out to you to stop this from happening again.

Please encourage other candidates to fill the important position of Justice of the Peace for Yavapai County. [redacted] needs to be retired so he can take out his frustration toward women, or exert his ego and power elsewhere, or deal with whatever it is (alcoholism?) that possesses him to ignore the laws he is supposed to uphold. It's time to rotate anyone out of a position of power when they become so cavalier and feel so powerful as to behave so badly in it.

Thank you for your time and attention to this critically important issue.

Sincerely,