

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-149

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Complainant: No. 1443610975A

Judge: No. 1443610975B

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**ORDER**

The complainant alleged a pro tem justice of the peace denied her an opportunity to be heard and retaliated against her because she declined to have a volunteer hearing officer handle her case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the judge's response, and listening to the recording of the hearing, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 16, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on August 16, 2012.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2012-149**

**COMPLAINT AGAINST A JUDGE**

**Your name:** \_\_\_\_\_ **Judge's name:** \_\_\_\_\_ **Date:** June 4, 2012

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Dear Commission on Judicial Conduct,

I am filing a complaint of Judicial Misconduct against Judge

On March 20, 2012, I had a scheduled court date in Small Claims Court at the  
Courtroom in Phoenix, Arizona.

On March 20, 2012, Judge \_\_\_\_\_ committed Judicial Misconduct, violated my right to a fair hearing, and sabotaged my ability to present my case and ALL of my evidence to the court, because I chose to have a Justice of the Peace hear my case and not a hearing officer.

On January 9, 2012, I filed a lawsuit with the \_\_\_\_\_ Court against a Scottsdale auto mechanic for damages done to my car in November 2011.

On January 9, 2012, when I filed my lawsuit, I was given a packet of information from the court clerk on how to file a Small Claims lawsuit with the court.

On the last page of the packet, it clearly states that "HEARING OFFICERS Either a Justice of the Peace or an appointed Volunteer Hearing Officer may hear your case. Any party may object to the use of a hearing officer prior to the hearing date. The court can provide you with a form to make this objection. The case will then be referred to and heard by the Justice of the Peace. ARS 22-506."

Before my hearing, I filed a SMALL CLAIMS OBJECTION TO A HEARING OFFICER FORM with the \_\_\_\_\_ Court, and was granted the request of a Justice of the Peace.

*(Attach additional sheets as needed)*

On my **SMALL CLAIMS – NOTICE OF HEARING FORM** it clearly states that  
**"This matter will be heard by a Justice of the Peace on 3-20-12 at 1:00 PM in room 322."**

I clearly had a right to have a Justice of the Peace hear my case, and I had filed all of the necessary forms with the court prior to my hearing.

In preparing my case, I wrote a statement to the court that was seven to ten minutes long, and allowed five minutes to present evidence to prove my case.

It would have only taken me fifteen minutes to present my case and ALL of my evidence to the court.

On March 20, 2012, I arrived at the Courthouse for my 1:00 PM hearing with Judge but Judge was in his place.

At around 1:00 PM, Judge called me to the bench and told me, **"We don't hear cases like this."**

Judge asked me and the defendant if **"we would come back another day?"** I said **"no"** and the defendant said **"no"**

Judge once again said **"we don't hear cases like this"** and then asked **"who asked for a judge?"** and I said **"me"** and said, **"oh you."**

once again said **"we don't hear cases like this"** and asked me and the defendant **"how much time we would need to present our case?"**

I said I only needed **"fifteen minutes"** and the defendant said he only needed fifteen minutes too.

Judge once again said **"well, we don't hear cases like this"** and asked me if I could wait to have my case heard, and occasionally come back to the courtroom to see when he could fit my case in, because he wanted to **"pick off some of these other cases first."**

I was confused and intimidated by Judge because he kept telling me **"we don't hear cases like this"** when I clearly knew from the small claims packet I was given by the court, and the necessary forms I filed with the court prior to my hearing that I did have a right to have a Judge hear my case, and I'm sure Judge also knew that I had a right the have a Justice of the Peace hear my case.

I was not happy about having my hearing postponed, or the fact that I was obviously being punished by Judge [redacted] for requesting a Judge to hear my case.

The defendant and I arrived back in the courtroom about an hour later.

When it was mine turn, Judge [redacted] called me to the bench, and once again told me that **"we don't hear cases like this"** and in a rushed manner asked **"Ms. [redacted] in a nutshell tell me what happened."**

Again I was confused and intimidated by Judge [redacted] and I tried to verbally present my case, but Judge [redacted] wasn't having any of it.

Realizing this I asked Judge [redacted] **"If I could read my statement to the court."** and Judge [redacted] said in a rushed manner **"yes"** and acted like I was being a nuisance to him.

I then began to read my statement to the court, but again, Judge [redacted] wasn't having any of it, and was deliberately talking over me with other people, not listening to a word I was saying.

At one point as I tried to read my statement to the court and present evidence to back up my case, Judge [redacted] yelled at me **"Are you an auto mechanic!"** I said **"no"** and [redacted] yelled, **"Well he is!"**

At this point I pretty much knew that my case was over with and I was not going to get a fair hearing from Judge [redacted]

I tried and tried to read my statement to the court, but I wasn't even able to get a quarter of the way through my statement, when Judge [redacted] became more irritated towards me and finally I just stopped talking.

By now [redacted] was having a complete meltdown. I looked at my father who was in the courtroom, and my dad mumbled to me to **"wrap it up, he's not listening to you."**

At that point I just stopped talking, and from then on all I remember is Judge [redacted] having a meltdown and getting more and more irritated with me.

The last thing I remember is the defendant and I throwing papers up to Judge [redacted] desk in a frenzied manner with papers flying everywhere, and my documents being mixed up with the defendant's documents.

Judge            was in complete chaos.

If Judge            would have given me time to read my statement and present ALL of my evidence to the court, Judge            would have learned something that day.

Instead, Judge            deliberately chose to ignore what I was saying, deliberately sabotaged my ability to present my case and all of my evidence, and created chaos in his courtroom, simply because I chose a Justice of the Peace over a hearing officer to hear my case, which he considered a nuisance.

Needless to say I left the courtroom that day angry and disillusioned with the justice system. And worse, I found that there was evidence in my folder that I was not able to present to the court because of Judge            frenzy.

For four months I prepared my case and spent over \$200 dollars in court costs and service fees to have my case heard.

In the four months it took me to prepare my case, I worked through personal illness and family illness.

Before my court date I made five to seven trips to the Courthouse to pick up and drop off forms, and to familiarize myself with the courthouse, and asked the court clerks questions about what I should expect when I enter the courtroom.

I was told by the court clerk that I would be given about 15 minutes to present my case, and the defendant would be given about 15 minutes to present his case, then the judge may or may not ask us questions.

Between my illness and my family illness it was extremely tough for me to put my case together, but I managed to put a case together that would have only take fifteen minutes to present.

A fifteen minute case is what I prepared for, and fifteen minutes is all I asked for.

I did everything that I was supposed to do for my case so I could have my case heard in a court of law in the United States of America.

What Judge            did to me in that courtroom was Judicial Misconduct.

Every time Judge            told me "**we don't' hear cases like this,**" he committed Judicial Misconduct and violated my right to justice.

IF JUDGE \_\_\_\_\_ DOESN'T LIKE THE FACT THAT HE HAS TO HEAR CASES LIKE MINE, HE NEEDS TO TAKE IT UP WITH THE POWERS THAT BE, AND NOT TAKE IT OUT ON PLAINTIFFS LIKE ME!

My experience with Judge \_\_\_\_\_ is that he is a man who does not care about the law, but only cares about his own agenda, and putting people in their place, whatever that place he believes it to be.

My experience with Judge \_\_\_\_\_ is that he is not a man who cares about what is right and what is wrong, but chooses to make up the law as he goes along.

Judge \_\_\_\_\_ needs to learn that he is not above the law and cannot twist the law to his liking.

I am not here to lie or make things sound worse than they were. I am only here for some kind of justice, and to make sure that Judge \_\_\_\_\_ is punished for his behavior, and is never allowed to treat another person the way he that he treated me.

My case may have only been in Small Claims Court, but this lawsuit meant everything to me. It maybe minor to some, but it was major to me.

And even though it is Small Claims Court, every Arizonan still deserves to have their day in court, but not their day in a Kangaroo court.

Some may say. "Well, just vacate the ruling." And that sounds easy enough but it's not.

Vacating a judgment means spending more money.

I guess it's sad but true what they say, "Money does buy justice."

I have already spent over \$200.00 dollars in court cost and service fees, and I cannot afford to hire a Process Server to serve the auto mechanic the **VACATE FORM**, or afford the court documents, transcripts or tapes from the hearing.

I am told that the documents, transcripts and tapes from my hearing are available to The Commission on Judicial Conduct and I hope the Commission seeks them out because I cannot afford them.

I am sure that the court documents, transcripts and tapes will substantiate my complaint of Judicial Misconduct against Judge \_\_\_\_\_ proving that he prevented me from presenting my case and ALL of my evidence to the court.

When I realized how bias Judge \_\_\_\_\_ was towards me, I knew that I was not going to get any kind of justice from this man, and I was right.

In May when I checked my case on the Justice Court website, I saw that Judge \_\_\_\_\_ had ruled against me and ruled in favor of the defendant, and ordered me to pay the auto mechanic \$41.00 dollars.

Believe me, sadly I was not surprised.

Some might say I'm filing this complaint over sour grapes.

Not so at all! If I was given a fair hearing, and allowed to properly present my case and all of my evidence to the court, and Judge \_\_\_\_\_ still ruled against me, I would have accepted his ruling.

But how can I accept a ruling from a Judge who denied me a fair hearing, denied me justice, and treated me like dirt.

It is ironic that I am writing this letter on Memorial Day, a day when all Americans honor the known and the unknown soldiers, who throughout the history of our great nation, laid down their lives and limbs for our freedom.

But not a freedom that has been warped by Judges like \_\_\_\_\_ who judge with an agenda, and not a freedom where Judges like \_\_\_\_\_ pre-judge before they enter the courtroom.

We cannot in the memories of the known and the unknown soldiers who laid down their lives and limbs so we could be free, allow Judges like \_\_\_\_\_ to soil and stain America's justice system.

No we cannot allow this. Not when so many of our young men and women, throughout our nation's history sacrificed so much so we could be free, and not be bound by dictators and tyranny.

I know that I will never get the justice that I deserved, or the hundreds of dollars I spent on my case, or the risk I put to my own health back.

But if filing this complaint against Judge \_\_\_\_\_ prevents him from treating another person the way he treated me, then at least that's some kind of justice.

All I know is that Arizonans deserve to have their day in court, even if it is Small Claims Court, and all Arizonans deserve much better than Judge \_\_\_\_\_

I hope that the Commission on Judicial Conduct finds Judge guilty of Judicial Misconduct.

Copies of the **SMALL CLAIMS OBJECTION TO HEARING OFFICER FORM**, the **SMALL CLAIMS – NOTICE OF HEARING FORM**, and the **SMALL CLAIMS COMPLAINT/SUMMONS/ ANSWER FORM** are provided to The Commission on Judicial Conduct.

If any additional information is needed please contact me.

Sincerely,