

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-230

Complainant: No. 1450010686A

Judge: No. 1450010686B

ORDER

The complainant alleged a superior court judge has failed to take prompt action on his 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 and the available electronic case history, 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: September 21, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 21, 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

2012-230

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: 8/23/2012

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.

I am a reputable dentist in New Mexico and I own my own practice and manage a number of people. In September 2011, I became interested in a trading venture proposed to me by a man named _____. Without going into lengthy details of the case, I will simply say that the defendants (who they now claim to be dead) and fraudulently obtained \$20,000^{from me}. As I was told that _____ was dead, I brought a case against _____, who I believe to be guilty of fraud. (Details in Court Complaint).

My wife, _____ is a barrister (litigation attorney) qualified from one of the top law schools in London. She has been in practice for 8 years. We decided to represent ourselves in this case.

_____ wrote numerous emails to my wife asking her to contact him directly as he was the attorney for the defendant. However, when we served Mr _____ on May 20, 2012 he wrote a direct letter to the Judge and stated that he was not the attorney in this case. The judge did not ask not to contact him directly but he simply

(Attach additional sheets as needed)

wrote an order ● all parties on the 7 Feb 2012 2302
stating that 'the Court is on notice that attorney
position is that he does not

and has not represented the defendant,
". Immediately on receiving this ~~matter~~ ^{letter}
my wife and I wrote to the Judge and explained
that this was misleading as
had always presented as being the attorney for
the Defendant and we provided the Judge
with numerous emails from
stating that he was the attorney in the case.
Therefore, — had been sufficiently served.

Despite all of our correspondence, we received
absolutely no reply from the Judge and time went
by. We were simply ignored.
My wife and I then contacted the Judge's
Secretary, who informed us that

the Judge was on vacation. We explained to her
the urgency of the matter and she told us to
contact the Judge by writing more correspondence
and copying all parties into it. We did so.

Again, no reply from the Judge.

We again contacted the Judge stating that
since he had told us that he was
the attorney ~~for~~ ^{for} the Defendant, and that we
had served him on 20 May 2012, we now
wanted to apply for a Default Judgment as we
had received no reply from the Defendant or her

attorney. Months passed by and again the Judge gave us no reply whatsoever. We called and explained the frustration we felt at the whole situation. She assured us that the Court had received our Court complaint and Summons in May 2012 and that the Judge was 'working on our case'. We explained that it is now August 2012 and we had not yet been given a hearing date and the Judge still had not replied to our case that was providing misleading information that he was not the attorney on the case. Again, explained that she understood our frustrations and that the Judge was now providing a letter stating a step-by-step guide on what he thinks should happen next in this case. She told us we should wait for that letter. (Please listen to the phone call conversations by evidence of this). We waited.

To our surprise, we received a letter from the Judge on 16 August 2012, that my wife claims to be a barrister from England but she is not the attorney on this case. He stated that no correspondence should be made by my wife in relation to this case. That was simply the entire subject in the Judge's letter. He made no reference to our

countless attempts to request him to set a hearing date on this case and our notice of hearing and our issues about serving the defendant's attorney who then claimed not to be the attorney on the case. If anything, my wife had spoken to a number of times and it was who told my wife to write the correspondence. At no point did she tell my wife not to involve herself in the case.

Furthermore, when the Judge, at no point did the Judge ask him not to contact him. If the Judge believes that is 'not the attorney for the defendant,' then also has nothing to do with the case, and the Judge should ask him to also cease all contact in relation to this case. On the contrary, the Judge continues to send all correspondence on the case. For what reason, we do not know.

We strongly believe that that Judge favors in this case and is giving our case no importance at all.