

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-328

Complainant: No. 1457010530A

Judge: No. 1457010530B

ORDER

The complainants alleged a justice of the peace was biased, made inappropriate comments during trial, and appeared to lack an understanding of the laws governing the case at issue.

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 all of the information provided by the complainant, the recording of the hearing, and the judge's response, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 28, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 28, 2013.

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

DEC 05 2012

December 2, 2012

Arizona Commission on Judicial Conduct
1501 West Washington Street
Suite 229
Phoenix, Arizona 85007

Case Number

Dear Commission,

Our names are _____ We are writing you to share with your office the past events that have occurred these past months in the Arizona Judicial System. We will be as succinct as possible so as not to take up to much of your time.

Our problems began on September 28, 2012 with a then tenant that ended her lease with a property I owned, being solely me _____ A physical walk through was performed with tenant whereby many significant issues were found at that time and brought to her attention. No attempt was made by tenant to correct issues. Upon further inspection many repairs needed to be performed before property could be leased again. Pictures were taken to document repairs/ cleaning needed. I have pictures and documents to show repairs and cleaning were performed.

I _____ returned a partial security deposit to tenant with an explanation of repairs and damages that had to be repaired during tenants lease of two years. I followed the Arizona residential lease law that states how deposit should be returned .

After tenant received partial deposit back, I received phone calls as well as emails stating that remainder of deposit was to be sent or she would take me to court. On December 19th 2011 we were served a Summons to appear before the court on April 4, 2012 she was filing pro se at that time. The Justice of the Peace that presided over this case is _____

I hired an attorney here in Illinois to call her and talk to her. Since she was representing herself he had at that time the legal right to make a phone call to her. Her response to my attorney was to say at the least unfavorable. All efforts to have her drop the suit were to no avail.

I was forced to hire an attorney in Arizona who is _____ I was assured that this would be a "simple Fix" based on the information he received from me however, I am sitting here with now a \$18,000 bill due to what I feel was a grave injustice performed by the Arizona Judicial System. This suit was for \$708.00 which was withheld to cover only a small part of the damages and repairs.

I will explain, the tenant is a Paradise Valley Police Department Dispatcher. At the time that the suit was filed I did not think that her position on the Police Department in Arizona would have any bearing on the suit. This was proven to be a misjudgment by me.

A trial was set for June 11, 2012 in the North Valley Justice Court in Surprise Az. The results of the trial And on record are that she was to receive a \$500.00 judgment with attorneys fees to be taken under consideration. I received a final order which was signed by Justice of the Peace _____

In which he awarded her an additional \$1000.00 judgment as well as all of her attorneys fees in the amount of \$7192.50 plus court costs of \$461.84.

Our attorney appealed based on the document I have numbered 28 that fees were unusual and unreasonable. Strangely enough found in her favor. The judge initially Removed (my wife) from the complaint, as I purchased this house solely on my own. He then Added her back into the complaint as a co-defendant, and at trial dismissed from the complaint. Our attorney stated in the beginning of this suit that the Judge did not seem to understand that this house was not community property. How could a judge preside over a suit of this kind and not know the laws regarding Arizona's community property?

I am soon to be 67 years old and my wife is 66 years old. We are on a fixed income like many are today at this age and have done everything necessary to meet all financial obligations. Due to the economic climate we have exhausted all of our financial resources.

My request to you and your office is to PLEASE review the documents as we feel there was a grave injustice done to us in these matters. Everything that we presented in court to justify our position in this matter was completely ignored by the court.

We feel that the judge was completely unfair in the courtroom. He did not seem to approach the facts in a detached and objective manner. He seemed to ignore all defense testimony. He gave the plaintiff four hours of testimony on the stand while he gave me an hour. She had 12 witnesses that were not present at the walkthrough and were all character witnesses. Her boyfriend who works for the Paradise Valley Police Department was also present during the trial. He stated that our defense needed to hurry up. His remarks and decisions were contrary to the fact. Justice requires that a judge should have no bias for or against any individual; and that his mind should be perfectly free to act as the law requires. I feel he did not do so in this case. He seemed to be flagrantly mocking and laughing in the courtroom as the tape if available to you will show. Any seated judge who cannot render a fair ruling in any case due to his or her connection with the participants or his or her personal views on the matter at hand should recuse themselves. To quote Abe Lincoln "I have been driven to my knees many times by the overwhelming conviction that I had no place else to go." I am begging you or someone in your office to take a look at this lawsuit with unbiased eyes.

Respectfully yours,