

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-032

Judge:	No. 1062013915A
Complainant:	No. 1062013915B

ORDER

The complainant alleged a pro tem justice of the peace had given preferential treatment to the plaintiff's lawyer.

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 review, 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: April 2, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on April 2, 2014.

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

2014 032

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On or about the _____ of _____ my wife and I were served with a summons from the Plaintiff _____ which is a limited _____ company which has operated in Arizona with NO Legal Authority to transact _____ business activity as _____ in the State of Arizona including bringing related Litigations in this State Courts pursuant to A.R.S. §§ 32-1055(A) and other applicable laws.

Through out this case I have high lighted the fact that this company has no license and is operating illegal. I have attached cease and disisnit case records from the Arizona Department of _____ institution. I have brought to the attention of the presiding Judge that the affidavit the plaintiff's used in there summons has another company's name on it and it doesn't mention the defendants.

I have brought to the judges attention that the plaintiff's have switched plaintiff's on the defendants and tried to get a settlement in another company's name. I have brought to the judges attention that there is about one years time gap in between the date of the alleged bill of sale and the date the bill of sale was signed. I have brought to the Judges attention that the Plaintiff and there attorney are guilty of the Doctrine of Unclean hands.

The plaintiff has submitted a settlement documents listing a different out of state _____ as it client in an attempt to settle this case and possible fraudulent and altered documents such as the bill of sale and the affidavit. I have brought to the judges attention that the plaintiff's attorney are filing documents as much as a month in advance before they are notifying the defendants. As an example I provided a copy of the request for entry of default judgment against my wife which is typed dated the _____ of _____

Once I found out about the request for default I went to the court and requested the original copy. And that copy which is titled application and affidavit for entry of Default was dated _____. The plaintiff's never notified us of that application.

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In this latest incident a hearing was scheduled on various motions that have been filed for the _____ of _____. This would have been the first hearing on any matter's in a case that should not have even made it this far.

However the plaintiff's submitted a Motion to appear telephonically which was hand / typed dated the _____ of _____. The plaintiff's were claiming economical disadvantage which is odd because they brought the case and they are in the business of appearing in court.

We got the plaintiff's motion on the _____ of _____. On the _____ of _____ we received notification of approval of the plaintiff's motion to appear by phone which was signed by a Judge on the _____ of _____ and mailed the same day. So within a _____ period the plaintiff's filed a motion and it was answered by a judge and signed and mailed before we could even take our motion to object down to the court.

This Judge has a past working relationship with this attorney firm and _____, which is the out of state unlicensed _____. Because of the delay in answering the defendants motions based on the speed in which the plaintiff's motions are answered and the past working relations ship we do not believe we can receive a fair hearing from this judge.

On _____ I filed a change of Judge motion for bias with the court. Nothing has happen to this date. The _____ hearing is still scheduled and the defendants are the only ones that have to miss work and be inconvenienced by a frivolously lawsuit by an unlicensed agency. I do not believe we can receive a fair hearing and this judge appears to be ignoring obvious rule violations by this attorney firm.

RULE 2.2. Impartiality and Fairness.

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

RULE 2.3. Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.