

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-163

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge was biased.

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. Also, the commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: July 16, 2014

FOR THE COMMISSION

/s/George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the commissioner
on July 16, 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

2014-163

COMPLAINT AGAINST A JUDGE

(2 pgs)

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.

- 1) NEITHER THE (PROPER) PLAINTIFF NOR THE DEFENSE ATTORNEY, HAD SUBMITTED THEIR MOTION IN DOCUMENTS ON TIME. THE PLAINTIFF SUBMITTED HIS ON THE DATE OF THE HEARING SUBMITTED HIS 28 DAYS (2 DAYS LATE) INSTEAD OF THE REQUIRED 30 DAYS - Yet Judge Allowed All of MOTIONS, While Denying All of THE PLAINTIFF'S FOR BEING 'LATE', THEREBY GIVEN PREFERENCE TO DEFENSE ATTY IN THIS CASE.
- 2) SUBMITTED 'JOINT Pre-TRIAL' STATEMENT 'WAS ANYTHING BUT JOINT', SINCE Did Not Comply WITH THE COURT'S MANDATED DATE. Yet THERE WAS No MENTION OF THIS BY THE JUDGE TOWARDS Negligence - Once Again Showing BIAS IN FAVOR
- 3) Judge REFERRED TO MR. AS ALWAYS CALLING THE PLAINTIFF AS 'MR Judge, AS IT SHOWS IMPLIED AND Unprofessional Conduct TOWARDS THE Failure to EVEN propose OR TO offer A settlement (A Usual procedure TO Coerce THE PLAINTIFF INTO Accepting A Judge TRIAL RATHER THAN A JURY TRIAL. Made MANY ATTEMPTS
- 4) THERE WAS No MENTION OR COMMENT BY THE Judge REGARDING Failure TO EVEN propose OR TO offer A settlement (A Usual procedure TO Coerce THE PLAINTIFF INTO Accepting A Judge TRIAL RATHER THAN A JURY TRIAL. Made MANY ATTEMPTS
- 5) THE Judge previously STATED THAT Verifying THE DEFENDANT'S Alleged NEVER provided. WHEN THE PLAINTIFF ASKED He Didnt remember SAYING THAT - Yet THE TRANSCRIPT STATES OTHERWISE THIS DENIAL gives FAVORITISM TO THE DEFENDANT AS THERE IS No KNOWN Medical Proof SHE IS UNABLE TO Appear IN Court AS THE DEFENDANT IN THIS CASE. provide A DOCTORS STATEMENT ill TO TRAVEL' CLAIM. Yet THIS WAS ABOUT THIS, He claimed

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- 6) PLAINTIFF'S 'MOTION FOR CONTINUANCE' WAS INITIALLY DENIED - EVEN THOUGH THE JUDGE WAS AWARE OF THE COURT'S ERROR OF ISSUING PLAINTIFF'S SUBPOENAS LATE. SUCH DENIAL PREVENTS KEY EVIDENCE AND WITNESSES FROM THE TRIAL, THEREBY SHOWING A BIAS TOWARDS THE DEFENDANT.
- 7) DENIED THE PLAINTIFF THE USE OF PSEUDONYMS DURING THE TRIAL. YET SUCH ALTERNATIVE WORDS DO NOT VIOLATE THE DEFENDANT'S TESTIMONY AND ALLOWS THE JURY TO CONSIDER ALL ELEMENTS OF THE CASE.
- 8) JUDGE ALLOWED A DEPOSITION TO BE CONDUCTED WITHOUT A LOCAL COURT STENOGRAPHER BEING PRESENT. IN SO DOING, THE PLAINTIFF WAS DENIED HIS RIGHT TO PRESENT EXHIBITS TO THE STENOGRAPHER SO AS TO SUPPORT HIS CLAIM. ONCE AGAIN BY SO DOING, SHOWED A BIAS IN FAVOR OF THE DEFENDANT.
- 9) HUMILIATED THE PLAINTIFF BEFORE WITNESSES, WHEN HE STATED THAT I "WAS LOOKING FOR A LEG UP" BY BEING A PRO PER LITIGANT (I WASN'T - ONLY A FAIR AND UNBIAS JUDGE, WHO CLEARLY WAS NOT)
- 10) DENIED PLAINTIFFS WAIVER FOR COURT/SHERIFFS COSTS AND FEES, EVEN THOUGH THE PLAINTIFF IS AN SSI ENROLLEE. RATHER, HE GRANTED THE PLAINTIFF A 'DEFERRAL'. AS SOMEONE WHO IS ON PUBLIC ASSISTANCE, A DEFERRAL IS A HARDSHIP AND WILL TAKE A VERY LONG TIME FOR THE PLAINTIFF TO PAY BACK THOSE FEES. CLEARLY, A WAIVER SHOULD HAVE BEEN GRANTED INSTEAD. NO MENTION AS TO WHY THE WAIVER WAS DENIED, HOWEVER CONSIDERING THIS JUDGE'S COMMENTS, ACTIONS AND BIAS, I BELIEVED IT SHOWS A PREJUDICE TOWARDS PRO PER LITIGANTS!