

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-184

Judge:

Complainant:

ORDER

The complainant alleged that a superior court judge failed to recuse himself at the appropriate time and failed to issue timely rulings.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's rulings. In addition, 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 23, 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 September 23, 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

2014-184

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 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.

see Attached

State of Arizona
 Commission on Judicial Conduct
 1501 W. Washington St., STE 229
 Phoenix, AZ 85007

To Whom it May Concern:

I bring this complaint against Judge _____ County, AZ in the matter of _____ . I have absolutely no confidence in the _____ County Judicial System, specifically Judge _____ , and I feel there is no way I can receive a fair EX PARTE hearing (It did not happen). There are many people who "claim" to be professionals in _____ County to include, judges, lawyers, therapist, teachers, police, etc, and they are anything but that. _____ County is a poor county with a transited middle class community, military and federal workers, who do not necessarily get involved. _____ County has become an island onto itself, because the permanent citizens do not have enough resources to defend themselves. I am slowly peeling back the onion (I peeled it back, it is incestuous, all the professionals are linked through familial, social, and professional ties), and what I am discovering is all these professionals are interlinked and unprofessional, which means it has become very prejudicial against me. Judge _____ is an _____ who abused _____ powers under the color of law, the cloak of robe. This matter was not disposed of in prompt, fair, and efficient manner (BTW Judge _____ blamed me, which can be further from the truth, more on that later). I bring this complaint in accordance with Arizona Code of Judicial Conduct, dated 2009, Arizona Revised Statute, and Federal Statute. My attorney advised me not to do this but I could care less at this point because I have not _____ , why well just because. Fighting these professional incestuous relationships is losing battle. In _____ County its not about the _____ , its promoting and protecting institutions and constituents.

Rule 1.2 – Promoting Confidence in the Judiciary

Rule 1.3 – Avoiding Abuse of the Prestige of Judicial Office

Rule 2.4 – External Influences on Judicial Conduct

Rule 2.5 - Competence, Diligence, and Cooperation

Rule 2.11 – Disqualification

Rule 2.12 – Supervisory Duties

Rule 2.15 – Responding to judicial and Lawyer Misconduct

Judicial Ethics Advisory Opinions 06-02

ARS 12-128.01 Receipt of salary by judges and commissioners; affidavit; pending and undetermined causes; violation; classification

On _____, on _____, I discovered an indirect relationship via _____ between Judge _____ and a key witness in my Ex Parte hearing, via Judge _____. On _____, Judge _____ agreed to recuse _____ from this case. On _____, I received Minute Entries, where _____ admitted a direct social and professional relationship with _____. I have been at this since _____ (I'm still going at it, why because institutions have installed fear in _____ and the courts stood idly and let it happen), and I have my rights _____ due to many parties egregious action to include _____ and Judge _____. This explains everything to me, why I could not get anywhere. I also discovered, on _____, that Judge _____ disclosed this relationship to my attorney, my attorney never disclosed that to me. and that is why _____ is no longer my attorney. If I had know this in _____ to _____ time frame, _____ would have been off the case, _____ would have been retained, and _____ would have been out. I can reasonably predict the outcome would have been different for _____. This admission if true does not excuse Judge _____ conduct. _____ should have recorded _____ offer to recuse _____ in writing when this matter was assigned to _____. _____ should have annotated in the minutes or refused outright to hear the case. One of the reasons my _____ rights were _____ was a letter from _____, all untrue, Judge _____ knew _____ would be part of the proceedings. a key witness. Further, and another one of my complaints, Judge _____ holds court in chambers. There is no record of this anywhere, no transcripts. How would I even appeal any of Judge _____ rulings? This was never annotated in the Minute Entries on _____ which is _____ responsibility (I still do not know but can reasonably assume it happened on _____). Judge _____, through out this trial, made temporary judicial decisions in _____ chambers, away from public scrutiny. At one point, _____ turned off the tape recorder or instructed the court reporter to stop taking dictation. I feel _____ did this because _____ has _____ experience on the bench; _____ wanted to insulate _____ from examination, _____ was not up to the task. There is no public record anywhere; I have no idea what oral arguments were made. Judge _____ failed to supervise _____ employees because nothing was properly annotated in Minute Entries (This is an HUGE Issue, and continues to do this day). At one hearing Judge _____ ordered for me to bridge back the _____ by start sending _____ was quite clear in _____ instructions. My _____ opposing counsel, _____ along with the _____ defeated the spirit of the order. My _____ instead of _____ with a note on the back, culled the _____ and provided them to _____ provided the _____, well whatever _____ wanted to open (that is another story). This happened over _____ day period. This was not the intent of what Judge _____ ordered. What did Judge _____ do - nothing. never sanctioned anyone. Opposina Counsel argued, _____ Really are you kidding me! Judge _____ did nothing.

On _____, Judge _____ stated, _____ concerning my _____ abused the process, and Judge _____ approves _____ behavior. If Judge _____ checked any documents _____ would have seen this, and it would have been perfectly clear _____ was abusing the system. The threshold for Ex-Parte in _____ County is alarming low, it should send a shudder to every _____. In this case it was because _____.

Is that imminent danger and irreparable harm? Nope! (You are going to say that is a matter of law, I say do your job)

In _____ my lawyer tallied apx _____ motions/causes that _____ never ruled on that were submitted in _____ timeframe. I believe Judge _____ cleared this up in _____ (Actually I do not know because _____). I can reasonably assume Judge _____ accepted _____ in violation of ARS 12-128.01. AZ Supreme Court found that the filing of false affidavits brought the "integrity of the entire judicial system into question" and was "prejudicial to the administration of justice"

The commentary on Canon 3B(8) elaborates on the duty it imposes:

"In disposing of matters promptly, efficiently and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. Containing costs while preserving fundamental rights of parties also protects the interests of witnesses and the general public. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. A judge should encourage and seek to facilitate settlement, but parties should not feel coerced into surrendering the right to have their controversy resolved by the courts."

"Any person who issues or causes to be issued any check, warrant or payment to a judge or commissioner knowing that, pursuant to this section, such judge or commissioner should not receive his salary is guilty of a class 3 misdemeanor."

If proven true, I would ask that Commission for Judicial Conduct to swear out charges to the appropriate DA, a misdemeanor 3, it's fraud.

I could never understand why I could not get anywhere with this case. I have done nothing wrong and _____ filed a bunch of false allegations against me. I'm _____ months into this (as of this writing it is _____), and they have not (can't) prove irreparable harm and imminent danger (never proved anything). Opposing console has provided nothing, no facts, just a bunch of mudslinging by _____ and _____, no police reports, no medical reports, no forensic interviews, no negative disinterested third parties reports, in fact _____ and _____ said this all unfounded (fact). In fact the professionals in _____

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**