

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-376

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was rude, unprofessional, biased toward him, and improperly allowed a private letter to be filed in the court file.

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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: January 14, 2015

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 January 14, 2015.

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

COMPLAINT AGAINST

On [redacted] I filed a "Motion to Compel Mother to Provide Father With School Documents as Per Court Order and For Contempt of Court."

On [redacted] this Motion was set for Telephonic Return Hearing on [redacted]

This Telephonic Return Hearing took place as scheduled. Mr. [redacted] stated he would not hear the Motion because "the Court finds that Respondent's Motion is a Petition for Contempt and no filing fee has been paid accordingly. Therefore, IT IS ORDERED that Respondent shall pay the appropriate filing fee associated with the Petition and provide a copy of the receipt of payment to this Division at which time the Court will set a hearing. No further action shall be taken until such time as the filing fee has been paid."

Mr. [redacted] then said, "We're done." and hung up the phone. I had no opportunity to say anything. This behavior was rude and unprofessional. I addressed this behavior in a letter to Mr. [redacted] clerk, [redacted] on [redacted] Please see attached.

In this letter I stated, "It is clear Judge [redacted] expects me to conduct myself as an attorney, i.e., filing petitions and motions correctly. I expect him to afford me the same professional respect he would give any attorney."

On [redacted] I sent a private letter to [redacted] Ms. [redacted] is a prosecuting attorney for [redacted] County at the [redacted] Court. This letter was addressed solely to Ms. [redacted] It was not filed with any court. It was regarding a private discussion between Ms. [redacted] and me. See attached.

I was shocked to find this letter as part of the case file for [redacted] This letter has NOTHING to do with this case. Ms. [redacted] forwarded this letter to the court of Mr. [redacted] She did not file it. It contains no cover sheet indicating whether it is a motion, petition, etc. It contains no argument for its admission to this case. All Ms. [redacted] did to get this letter admitted to the case file was scribble the case number on it. See attached.

In the past Mr. [redacted] has expected me to have the same knowledge as an attorney. He refused to hear a motion I filed because it was supposed to be filed as a petition. Because of this one word my filing was not heard. However, Ms. [redacted] is permitted to simply scrawl the case number on a letter and get it admitted into the case file.

I stated in a previous letter: "It is clear Judge _____ expects me to conduct myself as an attorney, i.e., filing petitions and motions correctly. I expect him to afford me the same professional respect he would give any attorney." There is an enormous disparity between the way Mr. _____ has chosen to treat my filings and the manner in which he has chosen to treat Ms. _____ filings; which isn't even a filing.

On _____ I sent a letter to Mr. _____ Clerk of the Court stating: "If all it took for Ms. _____ to get a letter admitted to the case file was to scribble a number on a letter, then all it takes to get said document removed is to send a letter." I specifically stated I expected the letter to be removed. Mr. _____ has ignored this request. See attached.

Individuals representing themselves are expected to have the same knowledge as an attorney. Mr. _____ made that clear in denying my motion because of one single word: I place "Motion" instead of "Petition." He then admits a letter with simply a case number scribbled on it; a letter which does not indicate whether it is a motion, petition, or something else entirely. A letter in which no legal argument whatsoever was given for its admittance. My letter, on the other hand, contained valid legal arguments for the letter's removal.

Mr. _____ has chosen to show tremendous bias in favor of an attorney and against someone who is not an attorney, i.e., myself. Judges expect individuals to behave as attorneys. Individuals representing themselves expect judges to afford them the same respect and judgment given an attorney. Mr. _____ did not do this.

I expect the following:

1. Mr. _____ is found guilty of judicial misconduct.
2. The letter in the case file is removed.
3. Given the fact that Mr. _____ has shown bias in this case, he recuses himself from the case.