

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-088

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge refused to allow him to be heard, improperly held him in contempt, and improperly entered a directed verdict against him in a civil trial.

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 judge'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: August 11, 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 August 11, 2015.

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

Judge _____ was assigned this case approximately _____ days before trial. During a pre trial telephonic hearing about _____ weeks before trial, defense counsel _____ complained to the judge that there had been name calling etc that had taken place at depositions and the like. I as the plaintiff was present on this call. Also present was my counsel and defense counsel. The transcript of this hearing is attached as Exhibit A. During an earlier hearing _____ earlier, the previous Judge _____ admonished the Defendant during a motion hearing to stop giving making faces/dirty looks/staring at me. The transcript of this hearing existst and will be provided if requested. In addition in _____, the _____ were called by the _____ as the defendant _____ himself _____ when he saw me at the hearing. There are records that exist of this call. I was harassed and threatened for _____ years by the Defendant and his employees/agents.

Judge _____ warned both parties that there would be none of that behavior tolerated in his courtroom and was sure to make sure that he informed defense counsel that he was ***to inform his client(s) of this as well. When I tried to speak on the call the judge would not let me say a word. The transcript of the telephonic hearing supports this.***

Judge _____ had his mind made up about this case and about me before it even started and at the first opportunity he was able to show this bias it was loud and clear. Upon a break during the _____ day of trial _____, I walked out of the courtroom to _____ who had flown in from _____ for the trial was _____. The distance between the _____ was about _____. Upon my leaving the courtroom, the _____ for the Defendant's _____ (an employee of _____) stuck _____ in the way someone usually does to _____. I turned to the right _____, but did not say one word to _____. Upon exiting the _____ my counsel told me the judge wanted

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The judge then again went back on the record which is attached as Exhibit 3. He asked me if I had [redacted]. I replied that [redacted] and that [redacted] had [redacted] as I [redacted].

The judge would not allow further explanation by me as the record will reflect. I had said [redacted], not to the [redacted].

The judge responded by stating that [redacted], he believed that the [redacted] had provoked me by [redacted], but that I and I alone was to be punished for this. He then went on a rant stating among other things that [redacted], then he backpedaled and said that the [redacted].

[redacted] was done and that I was going to [redacted]. He then went to lunch. All of this is very accurately reflected on the transcript. Among other things reflected in the transcript are Judge [redacted] admission that in [redacted] years as a judge (including very emotional family court), he had never had to [redacted] anyone to [redacted]. Indeed Judge [redacted] decided that an incident that he [redacted], but which he acknowledged and agreed was provoked by [redacted] (who was also supposed to have been warned (see exhibit 1), should have me singled out for punishment, without me even being allowed to give an explanation (that I was [redacted]).

While [redacted] was at lunch [redacted] and told me they were [redacted]. I verbally [redacted] as the judge had said [redacted]. The judge, seemed to not be there, so indeed I [redacted]. This was witnessed by at least [redacted] of the jurors which I saw [redacted] the courthouse.

Upon arrival at [redacted] in the courthouse [redacted] I was told to [redacted]. Once I had finished [redacted], [redacted]. The [redacted] then proceeded to tell me to [redacted].



The [redacted] was never quite addressed, the judge, realizing he had [redacted], said a [redacted].

The [redacted] the judge entered the juror's [redacted]. I have tried to get the phone records from both the County, the [redacted] and the court. No one seems to have any record of the phone calls made by [redacted] to [redacted] and no one certainly has any record of [redacted].

[redacted] has violated numerous aspects of the judicial code of conduct and I demand he be held accountable for his actions.

Signed by [redacted]