

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 17-212

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge had a poor demeanor and precluded her from making her arguments.

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(a).

Commission members Roger D. Barton, Peter J. Eckerstrom, Art Hinshaw and Diane M. Johnsen did not participate in the consideration of this matter.

Dated: November 8, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on November 8, 2017.

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

**CONFIDENTIAL**

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

**2017-212**

**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.

\_\_\_\_\_ of the \_\_\_\_\_ in \_\_\_\_\_ ordered on \_\_\_\_\_ "Oral Arguments" to be held \_\_\_\_\_ in his courtroom in \_\_\_\_\_ (Exhibit 1) The "Oral Arguments" were to hear the Plaintiff's resurge of her "Motion of Default Judgment" filed \_\_\_\_\_ with a "Resurge" filed on \_\_\_\_\_, (Exhibit 2) and arguments for Defendants "Motion to Dismiss: Failure to Name Real Party In Interest" filed \_\_\_\_\_ (Exhibit 3).

This case was transferred from \_\_\_\_\_ of Judge \_\_\_\_\_ on \_\_\_\_\_ to \_\_\_\_\_ of Judge \_\_\_\_\_ (Exhibit 4)

I, the Plaintiff was not permitted opportunity to present my case and argue any issues or standing in violation of my fundamental right to due process.

\_\_\_\_\_ violated 17C A.R.S. Super. Ct. Local Prac. Rules, Navajo Ct., Rule 2(d) – "Oral argument of motion shall be limited to 20 minutes for each side unless the Court grants permission in advance for additional time."

\_\_\_\_\_ also violated 16 A.R.S. Rules of Civ. P. Rule 55(4) "The filing of the application for default constitutes the entry of default, a default is effective 10 days after the application for Entry of Default is filed." when he did not hear my "Motion of Default Judgment/Resurge".

I was not given a legitimate opportunity to present my case at hearing in violation of Haines v Kerner et al. 404 U.S. 519, - "... pro se litigants are entitled to the opportunity to submit evidence in support of their claims."

My "Motion of Default Judgment" and "Resurge" was filed because \_\_\_\_\_ or his clients had failed to plead or otherwise defend my original filing "Tort Claim for Equitable Property Relief filed on \_\_\_\_\_ (Exhibit 5). This was filed in \_\_\_\_\_ They had not filed an answer, counterclaim or procedural filing in this \_\_\_\_\_ within the allowed time.

This preliminary matter was NOT heard which suggests a so called "professional courtesy" extended to the Defendants' attorney in this case and was materially flawed in procedure and substance, and his Motion should have been denied. A 'personal' knowledge of the Defendant's Attorney was very present as the Judge called him by his first name through the proceedings.

I showed up at the court house on time with my \_\_\_\_\_ . We both live in \_\_\_\_\_ There was no one in the court room when we entered and still no one at \_\_\_\_\_ the time indicated for the Oral Arguments. Finally at \_\_\_\_\_ the Judge enters and to start the Oral Argument. \_\_\_\_\_ and his clients were \_\_\_\_\_ . The Judge started the Oral Arguments with the Defendant's "Motion to Dismiss: Failure to Name Real Party In Interest". \_\_\_\_\_ is allowed to speak without interruption and puts his case on. Then the Judge asks me if I wanted to reply. Of which I did.

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I got a few words out and the Judge stops me saying the microphone is not working and I need to come up and use the microphone at his bench. He has me come up to the bench and talk into his microphone stating that I can put on my case there and if I need any paperwork I am to walk back and forth from the table I was sitting at. This action, was thoroughly disrupting and intimidating to me. I start again, with my argument and the judge stops me again. He starts asking me all kind of questions. I was not allowed to put my case on or present rebuttal to \_\_\_\_\_ ; accusations and statements.

The Judge then decides to play arbitrator and asks me to questions about what I want, the first thing I said he stopped me and asked \_\_\_\_\_ if his clients will give it to me. I kept telling the Judge " \_\_\_\_\_ . By this time his intimidation tactics was working well, and all I could say is " \_\_\_\_\_ "

This is a simple case of Plaintiff trying to \_\_\_\_\_ \* and with a \_\_\_\_\_ \* from \_\_\_\_\_ . This property was left at the Defendant's home/compound following a domestic dispute between \_\_\_\_\_ ; \_\_\_\_\_ and the Defendant. Defendant who from the beginning of this case in refuses to \_\_\_\_\_ , does not acknowledge nor deny the existence of the \_\_\_\_\_ have NEVER filed any response to the original complaint, although they submitted to the jurisdiction of this court when they filed the Motion to Dismiss.

The list contained approximately \$ \_\_\_\_\_ ) worth of equipment, silver, gold coins and bullion, \_\_\_\_\_ vehicles, a full working machine shop, locksmith tools, guns and rifles, family heirlooms, a library of computer and various printers and software, etc. \_\_\_\_\_ of items.

After approximately \_\_\_\_\_ and not letting me have time for my Oral Arguments, to say what I had intended to present uninterrupted, the Judge decided that he has too many other case in the courtroom and he stopped and calls the next case.

My Motion for Default Judgment never came up and I protested that he has not hear my pleading and has not allowed me to speak which he never addressed.

I was deprived, degraded, as harassed by the Judge. My rights to present my argument/position was denied by the judge and the court avoided dealing with the attorney's misconduct, false certification and violation of ethics and civil procedure\*\* which denied my fundamental due process rights, as guaranteed by the 14th Amendment to the United States Constitution.

The Judge also would not recognize my \_\_\_\_\_ ;  
interested in \_\_\_\_\_ who was not in court and who had given me a \_\_\_\_\_ The Judge seemed to be extremely \_\_\_\_\_ and a \_\_\_\_\_

The Judge also indicated a in his Order of (Exhibit 6) that I was trying to practice law and was not unauthorized. Nor would he consider the given to me by and is ordering that ; become the party in interest. However, has disappeared and I do not know where he is.

Being a Pro Se and my treatment in court has now trickled down to this . I have to file all my paperwork by mail as they will not let me file by fax or electronically. Upon delivery of my pleading to the court they are holding them for before they clock in the pleadings making them late. I do send all pleading by registered/certified, return receipt so I do have proof of this problem.

The latest filing is my " which was mailed (which was within the according to LRCiv 7.2(g)(2)) and received at the courthouse on , however it was not posted to my case until making it " . It has now been over and the Judge has not responded to my " (Exhibit 7 only and postage receipts – if you want the full Reconsideration please call me and I will furnish it for you.)

Judge maneuvering and game playing to lessen the status of a pro se person (me) in court and to cover up and give professional courtesy to the attorney is procedural favoritism and shows bias. It was done to shortcut the Oral Arguments and to drag the lawsuit out. This lawsuit has been pending in

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\* are attached and part of Exhibits 3 & 5 of this complaint.

\*\* had also violated and breached the mandatory Duty of Counsel by not filing an appearance in court until after the : granted a "Change of Venue" (Exhibit 8) to the : on . He further violated the Rules of Court when he failed to serve his court filings on the Plaintiff while falsely certifying to the court that he made service, when he did not. That violated both the See my Motion to Strike filed in the : on (Exhibit 9) and : Response to Motion to Strike filed : electronically. (Exhibit 1)