

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-345

Judges:

Complainant:

ORDER

The complainant alleged two superior court judges were biased against her, as she was a self-represented litigant, violated her due process, issued erroneous rulings contrary to law and procedure and made rulings without any explanation.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officers did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: March 27, 2019

Copies of this order were distributed to all appropriate persons on March 27, 2019.

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**18-345****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.

The judges exhibit bias against self-represented litigants. They made rulings against a pro se litigant that are contrary to established rules of procedure and case law, without providing any explanation.

Background: Sometime in _____ a person named _____ emailed me a documents "
" The document was an application for default for a lawsuit filed against _____ attorney
whom had _____ in a lawsuit and whom I had fired for poor representation including,
disclosing all confidential attorney-client communications to the opposing party. The Complaint was
served by _____ even though I live in _____ and was for quantum meruit.

During his representation of _____ sent me _____ invoices which I paid in full. I was charged
More than _____ years after the last invoice, and about _____ months after I terminated _____ my
attorney informed _____ that I was going to settle my case and asked him if he was going to submit
a claim for fees or if he was going to waive any lien he had. _____ did not say he was owed any fees
and told my attorney that she need not get involved in the matter. (My new attorney said that
really _____ my case _____) Shortly thereafter, I settled my lawsuit.
After the settlement terms had been agreed upon, the opposing attorney informed my attorney that
_____ had contacted him and claimed that he had a lien for a _____ in the settlement amount.
I never agreed to any sort of _____ because my claim was based on several statutes that had fee
shifting provisions if I prevailed, and also a punitive damage claim. No part of my settlement was allotted
to attorney's fees because I had no unpaid invoices from _____ and he made no claim for fees.
Complaint stated that _____ in fees. He claimed that I had agreed to a
agreement, but admitted that he had not been keeping track of his hours, did not know what
invoices he had sent me, or what I had paid him. The rate _____ had charged me on the invoices I paid
was, in fact, his full hourly rate. _____ damage calculation included nearly _____ of fees that I had
paid. The invoice that _____ claimed he was owed payment for had dates that
and was created a _____ after I terminated him, after I had settled my case.

_____ made no attempt to personally serve me his Complaint until _____ months after he had filed it. A
motion to dismiss for lack of service had been entered. Shortly before the service deadline,
attempted to serve me on occasions when I was _____ in response subpoenas to testify in out of
The _____ the service deadline, _____ requested and was granted permission to serve
me by _____ in _____ by stating that he believed that I was avoiding service. The request was
granted through endorsement of an _____ since the order granting the reequest could not be filed
until _____ later.

Upon receiving the Application for Default in the _____ I filed a motion to dismiss for lack of service
based on the fact that _____ had no grounds to serve me by _____ and the summons served was
defective. I also filed a complaint about _____ with the _____ told the _____ that the
accounting deficiencies were due to his bookkeeper, _____ (the same person that sent me the
who was the paralegal assisting _____ attorney with the case), leaving for another job. The
found that _____ had violated _____ related to fee agreements and _____ related to breach of
confidentiality, but handled my complaint with an " _____ ' to _____

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 1501 W. Washington Street, Suite 229
 Phoenix, Arizona 85007

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COMPLAINT AGAINST A JUDGE

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The Court Administrator subsequently entered a _____ and a Notice of Placement on Dismissal Calendar (NPD), which stated that the case would be dismissed on _____. The NPD also stated that filing an affidavit for default would not prevent dismissal, and that any continuance must show good cause and be granted prior to the dismissal date in accordance with _____.

My motion to dismiss was denied on _____. I called the Clerk of Court on three separate occasions to ask if I had to file anything in response. I was told " _____ " because the case was going to be dismissed on _____ unless _____ filed something to prevent dismissal. On _____ I filed an application for default (even though the NPD stated that doing so would not prevent dismissal.) I called Judge _____ office to ask if I needed to respond. Judge _____ bailiff " _____ " said that I did not need to respond because the _____ and the case would eventually get dismissed regardless, but that I could file an Answer to be sure that no default got entered since the official administrative dismissal had not been entered yet and it was unknown when it would be entered. The Clerk of Court stated that the official dismissal would be delayed because the court was _____. So, I filed an Answer, which I had put minimal thought into because the case was going to be dismissed anyway. On _____ the Court Administrator entered a Judgment of Dismissal.

On _____ I filed a motion to reinstate on the dismissal calendar, essentially arguing that I was to blame for the case being dismissed and that the Court should reinstate the case as a matter of judicial efficiency because the statute of limitations had not passed and the case could just be refiled anyway. _____ did not formally serve his motion to reinstate and I was _____ when it was filed. The court granted the motion and reinstated the case.

My complaint about _____

The attached court filing clearly describe my arguments for dismissal. I have a _____ My career involves _____ as an _____ in legal proceedings. I am familiar with rules of procedure and case law. I am _____ certain that every argument that I have made for dismissal is fully supported by the Arizona Rules of Civil Procedure and binding legal precedent. _____ has not put forth any legitimate defense because he has none. Yet the Court continues to summarily rule in his favor and deny my motions without any explanation because there is no legitimate justification for the rulings. The rulings are summarily biased in _____ favor because he is an attorney and I am representing myself and there is a systematic bias in the judicial system against self-represented litigants.

As a result, my Constitutional rights to notice and due process have been violated, and the Court is continuing to enter orders in a case that it has no legal jurisdiction over. While a judge can make biased rulings as a matter of discretion, it has no discretion to make biased rulings that are contrary to binding legal precedent, and it certainly has no discretion to decide that it has jurisdiction over a case that has been properly dismissed, and for which there are no legal grounds for reinstatement.

In addition, in a case with very similar facts, the [redacted] ruled that quantum meruit is not available when an attorney violates the rules of professional conduct, specifically [redacted]. The [redacted] found the [redacted] his claim is for quantum meruit. The only real difference between the case [redacted] and [redacted] claim is that the defendants in the case were [redacted].

[redacted] does not have any legitimate excuses for his failure to follow the rules other than lies that try to blame me for everything and the " [redacted] " excuse. He is able to make up any empty excuse, even completely fabricated ones, because, being an attorney litigating a case against a defendant that is pro se gives [redacted] freedom to simply order up any rulings that he wants, have rulings that were legitimately entered against him changed after the fact without any notice to me or any reasonable explanation, and disregard any rules that he does not like and replace them with ones that are more to his liking.

Among the attachments is a transcript of a [redacted] held in [redacted]. As you will see, Judge [redacted] is summarily dismissive of my arguments. I asked for an opportunity to respond to [redacted] motion to reinstate because it was my Constitutional right to have notice and an opportunity to respond, which I did not have since I was out [redacted] when the motion was filed ([redacted] never properly served it). Judge [redacted] initially stated that he would allow me to file a response but then changed his mind when [redacted] attorney, [redacted] stated that it was not necessary. ([redacted]). When I explained that the only way that a case can be reinstated is if [redacted] files a [redacted] motion [redacted] relief is not actually available since the statute of limitations had not passed), and [redacted] had never filed one, Judge [redacted] asked [redacted] if he had any response. [redacted] simply responded " [redacted] " and Judge [redacted] simply moved on to granting whatever [redacted] asked for. ([redacted]).

This act of accommodating whatever [redacted] pleases is unfair to me as a litigant because, the Clerk of Court, the Court Administrator, Judge [redacted] bailiff, and I, were all operating based on the established rules. I diligently contacted the Clerk of Court and Judge [redacted] office for guidance on how to deal with the dismissal notice and [redacted] filing of an application for default after the dismissal date had passed. I consulted the court before, during, and after the dismissal date and was given consistent advice by the Clerk of Court and Judge [redacted] bailiff, which was consistent with the actions that the Court Administrator took which they had told me to anticipate. When [redacted] did not like the result, he simply asked his friend the Judge to retroactively apply different rules to my action of filing an Answer in order to blame me for delays and undo a properly entered judgment of dismissal. I am well aware that the judges and the attorneys all attended the same [redacted] and know each other personally.

The issue is not one of questionable discretionary rulings or controversial interpretations of rules or laws, it is deliberate refusal to follow rules of procedure or enforce rules of procedure against [redacted] because of his status as an attorney and the fact that I am representing myself. [redacted] did not have the necessary criteria to serve me by [redacted] Judge [redacted] retroactively changed a judgment that had been properly entered by the court administrator and a decision that he had made to allow me to file a response to the motion to reinstate simply based on [redacted] urging without any meaningful justification and without allowing me notice or an opportunity to be heard. [redacted] requirement that extensions must be granted prior to the dismissal date is unambiguous. [redacted] response to my motion to dismiss for lack of [redacted].

jurisdiction was full of lies and misrepresentations. There was not one true statement. statements were not questions of fact. The dates that things were filed with the court are unambiguous and verifiable. admits that he did not file any motion. Judge did not even care. does not argue that he complied with the rules, he argues that the Judge has discretion to not enforce the rules. Jurisdiction is not a matter of discretion. None of the rulings that have been made in this case (all of which have been in favor) were explained in any detail and no legal support for any of the rulings has been provided (because there is no legally justifiable explanation).

This Complaint is supported by the following documents:

1. Notice of Placement on Dismissal Calendar
2. Judgment of Dismissal
3. Motion to Reinstate on the Dismissal Calendar
4. Judge Ruling Granting Motion to Reinstate
5. Transcript of Status Conference held
6. Motion to Dismiss for Failure to State a Claim
7. Response to Motion to Dismiss
8. Motion to Reconsider Denial of Motion to Dismiss
9. Judge Ruling Denying Motion to Dismiss
10. Motion to Dismiss for Lack of Jurisdiction
11. Response to Motion to Dismiss
12. Reply to Response to Motion to Dismiss
13. Judge Ruling denying Motion to Dismiss
14. v.