

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-388

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Judge:

Complainant:

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**ORDER**

The Complainant alleged a superior court judge improperly failed to disqualify herself in a civil matter.

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 officer 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: April 18, 2019

Copies of this order were distributed to all appropriate persons on April 18, 2019.

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

**COMPLANT:**

**Rule 42.2 Change of Judge**

On Judge was assigned Case Judge should have filed a NOTICE of RECUSAL and should not have accepted this case. I believe that on account of the bias, prejudice, or interest of Judge I cannot obtain a fair and impartial trial. Judge previously demonstrated her bias and prejudice toward me in **Judge violated RJC 2.11 Disqualification (A)(1)** “ ” . . . “ ”. Judge does not have the temperament to rule without bias. **Judge violated RJC 1.2 Promoting Confidence in the Judiciary.**

**Judge Violations of the RJC**

In Case , Judge refused to recuse herself even though she knew of her friendship with Plaintiff's Counsel, She demonstrated favorable bias toward her friend, Plaintiff's Counsel **Judge violated RJC 2.2 Impartiality and Fairness. (exhibit 1)**

During the bench trial of I witness Judge question an expert witnesses, object to her own question, and then rule of her objection. Judge continued questioning of the defense's expert witness was badgering and harassment of the witness. Judge treatment of the defense's expert witness deprived us of the opportunity to put forward our case properly. Our Court system requires the judge to be impartial and neutral and to hear and determine the issues raised by the parties, *not* to conduct an investigation or examination on behalf of society at large; and certainly not to benefit one party over the other. **Judge violated RJC 2.2 Impartiality and Fairness. (exhibit 2)** Per the Court decision on judicial

intervention, in “

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After the case was closed, Judge                      allowed the Plaintiff to re-open the case to                      of damages that were not disclosed to Defendants per the Rules of Civil Procedures. The Plaintiff did not disclosed this evidence until that very day                      was closed. Judge                      allowed the Plaintiff to violate the Rule of Civil Procedures. **Judge                      violated RJC 1.1 Compliance with the Law.** (exhibit 3)

In                      the Plaintiffs never filed a Quiet Title action; therefore, they had no                      that could proven by the Plaintiffs or awarded under judgment. That did not stop Judge                      from violating **RJC 2.9 Ex Parte Communication 2.9 (C)** “

” Trial was held

-                      On                      Judge                      came to the properties in order to clarify her Ruling she made at the                      Trial regarding the exact                      (to be recorded at the                      Recorder's Office) of the portion of property that Plaintiffs were awarded under their                      case. Judge                      asked for a                      measure and then proceeded to take                      and act an a licensed surveyor in order to write a                      to record the transfer of property rights. The Plaintiffs failed to provide a survey of the property they claimed under adverse possession. At the                      site visit, Judge                      decided to independently investigate the facts in the matter and act outside her judicial role as if she was a licensed surveyor. **Judge                      violated RJC 2.2 Impartiality and Fairness.**

During her site visit, it became clear to Judge that the hedges were of the fence placed on the actual not anywhere near the – of the property line. Nevertheless, Judge acted as a surveyor and awarded the Plaintiff were there was no evidence presented in the case that the Plaintiffs or their predecessors ever exercised exclusive dominion and control over any property the roots. Judge violated law by awarding property to the Plaintiffs who failed to prove the “

” A.R.S. § 12-521(A)(1) and A.R.S. § 12-526.

**Judge violated RJC 1.1 Compliance with the Law. (exhibit 4)**

Please let me know if there are any other documents I can provide.

Is the CJC able to obtain a recording or transcript on the Trial in