

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-102

Complainant: No. 1140310638A

Judge: No. 1140310638B

ORDER

There is no evidence of judicial misconduct on the part of any of the six named judges. Since 2003, the complainants have filed six complaints involving over 13 judges. Reviews of pleadings and court hearings demonstrate that the judges give the complainants ample opportunity to present their evidence and have not engaged in judicial misconduct. The complainants have raised no new issues that involve judicial misconduct; in fact, most of the allegations involved cases that have already been dismissed by the commission. Accordingly, the complaint is dismissed pursuant to Rule 16(a) and the matter is closed.

Dated: April 25, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 25, 2006.

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



April 9, 2006

CJC-06-102

Commission on Judicial Conduct-re:

APR 12 2006



1501 W. Washington Ave. #229

Phoenix, Az. 85004

Dear Sir or Madam:

This is being sent to you again regarding our situation and occurrences, because we are financially devastated.. This again is a follow up of events occurring. Now we may loose our home thru a fraudulent action of a forcible detainer action filed by attorney [redacted]

[1] This is regarding, at the very least, immoral, unethical and possible criminal conduct of people that act as Judge pro tempore. This is Superior Court Commissioner [redacted] appointed [redacted] to a fraudulent forcible detainer trial on a moment notice in the [redacted] Justice Court in case no. [redacted]

[redacted] in the Superior Court

This is also regarding the actions of Commissioner [redacted] of the Superior Court from the superior court case listed above.

Commissioner [redacted] wrongfully signed an amended order on [redacted] while we were in bankruptcy. This is in violation of the bankruptcy automatic stay. Days before Commissioner [redacted] denied signing the order and noting that he received a notice of bankruptcy, as stated in the [redacted] minute entry. Without this order being signed by Commissioner [redacted] Attorney [redacted] would have not been able to come into the justice court in a forcible detainer complaint with a fabricated erroneous claim that rents were due, and unpaid

This order was from the original order received again under false pretenses and was supposed to be stayed. Even though commissioner [] stayed the [] order, Attorney [] executed the order the very same day.

This forcible detainer case in the justice court was supposed to be presided over by Judge [] court, who did not appear in our matter. Instead a Pro temp Judge [] presided and recused himself, due to a conflict.

Although the issues are in a civil matter that Commissioner [] was appointed on a moments notice by Judge [] who recused himself being involved in a criminal matter that was so negligently forgotten, it may involve criminal conduct that should reflect in the ability to be an officer of the court or any other position concerning the law and the general public.

Commissioner [] has a abuse problem..

[] **does not have administrative orders** to preside as a Judge Pro Temp in the Justice Courts.. As per administrative order [] only [] is appointed as a Justice of the Peace Judge Pro Tempore pursuant to the statue A.R.S. 22-121.

It is clear that this challenge is rampid within the Superior Court.

We know from reliable sources of these abuse problems. from associates.

On [] we came in for the hearing prepared to appear in front of Judge [] [] has gone beyond the scope of her authority by rendering a judgment in this case since it is beyond the scope of her authority and beyond the juristiction of the justice court.

Judge [] brought in Commissioner [] and as [] [] of the justice court should be held accountable for this error and wrongdoing. It even appears that the judgment was signed before the trial occurred.

Judge [] was presiding in a criminal issue that he was recused from [] The case should of never been accepted. I have never been served with the summons, which is defective service. Also a change of judge and change of venue was requested in [] Appointment of counsel and change of venue was denied.

The change of judge was approved and has never occurred to date due to Judge [] and office manager admitted herself [] at fault. Then the county attorney has never responded to any pleading submitted and refuses to speak with me since I do not have an attorney to represent me in this criminal matter with jail time imposed requested.

It is now over 6 months and past the time for a speedy trial and this complaint should be dismissed and requested previously to Judge [] who has not responded. Because of this error Judge [] and [] paycheck should be suspended as prescribed in the rules of court.

Commissioner [] acted in a arbitrary and capricious manner at the very least. We were denied the opportunity for our witnesses to testify or affidavit s or evidence to be submitted. Our constitutional rights have been violated .by her actions This case should of never been heard due to defective service. The commissioner took no heed to the error on the forcible detainer complaint that Attorney [] had a ficticious address of [] instead of [] on the complaint with no phone number.

Commissioner [] is in violation of ARS 12-213 and also overstepping her authority when this is a title and property issue beyond the scope of the justice court. Even more wrongful being that the quitclaim deeds were presented as evidence, clearly showing a title issue not a rental agreement.

IT IS MY UNDERSTANDING THAT THESE COMMISIONERS ARE ALSO LICENSED ATTORNEYS FOR WHICH THIS SHOULD BE REGARDED AS A COMPLAINT IN THEIR CAPACITY AS ATTORNEYS UNETHICAL CONDUCT.

On [] Let us be clear that Commissioner [] face was BEET RED, his eyes were glassy, stammered when he talked, and could barely walk evenly. I can not say positively that he was drunk because we did not get close enough to smell his breath.

He forced us to come in for a hearing on [] We were supposed to have a hearing in the bankruptcy court the day before,, that was continued till [] thereby violating the automatic stay of the bankruptcy stay, just as he had done in a previous hearing in [] after we had filed bankruptcy, but were not given a case number initially. The petition was stamped and conformed by the bankruptcy court.

Because I do not have an attorney, we have been treated with contempt from the moment [redacted] became involved.

There has been total biased letting the defendants lawyer slander us and not giving us the opportunity to speak or defend ourselves.

Our constitutional rights have been violated and trampled.

It is clear that we have definitely been denied due process of the law, by not being given our default judgment .

In error, we were in receipt of a minute entry where Commissioner [redacted] has acted in violation of the Bankruptcy stay and ordered evidence released to Attorney [redacted] that we submitted to the court in the [redacted] hearing showing the fraud committed by Attorney [redacted] [redacted] by having our mail sent to his office in our name. Now through his own neglect Commisioner has attorney of record of the defendants [redacted] default judgment on [redacted] signed off. This judgment is full of errors. The judgment is totally erroneous,, cryptic and makes no sense. The quiet title that was included has the wrong lot # of [redacted] mnot [redacted] and has not been corrected. Lot [redacted] is located at [redacted]
[redacted]

The certificate of service is blank. It seems that there is no signature or date. The question is, who was negligent not to sign and date this document, Attorney [redacted] or Commissioner [redacted]

We were not sent a copy by the court.

We received this judgment in the mail around [redacted] with a threatening letter from Attorney [redacted] telling us to vacate the premise.

The default judgment is ambiguous , not having the correct legal description , our lot number is [redacted]

In the default judgment none of the math adds up or makes sense.

There is no sum certain amount or any way to arrive at a sum certain by computation. I am not a handwriting analyst, but you can see that there is a problem with the Commissioners handwriting barely being legible.,

He continues to act improperly in an untimely, arbitrary and capricious manor. The default judgment hearing did not occur for us. That as if being biased and presumptive that he was not going to disqualify or strike the pleadings of the defendants, since attorney [redacted] had not entered a notice of appearance till after [redacted] Attorney [redacted] was the only one to show up. Neither of us ,the counter- defendants were

present, which should have been canceled, or dismissed the hearing, and the defendants should have been in default.

A motion for production of documents was filed on [] and has yet to be complied with or docketed by the clerk of the court.

Commissioner [] then told Attorney [] that he needed to do a notice of appearance by [] and address the issue in the form of a ARCP Rule 60 Motion for Relief of Judgment. Attorney [] had already submitted a pleading to vacate the hearing, which simply should have been stricken and denied, not the Commissioner giving a licensed attorney a break, and direction as to the proper procedure. This is a totally biased situation!!!! Because of my speaking up the issues are redundantly being heard separately again, since I have already submitted pleadings addressing the very same issues, as if I was not present and not submitted anything, being a proper litigant.

Request was made of a written order /judgment concerning the denial of the disqualification and striking of Attorney [] that has yet to be issued by Commissioner [] Yet Commissioner [] addressed the issue with Attorney [] but Commissioner would not recognize or address the issue with attorney []

Therefore, pursuant to ARCP Supreme Court Rules of Professional Conduct Rule 42 ER 1.09 & 1.10 is a conflict of interests and an imputed disqualification.

For some reason this case was appointed from Judge [] originally with [] This is a truly biased situation. Currently the docket on the internet shows that this case is being heard by Judge [] not Commissioner [] or Commissioner []

Previously we had 2 cases before Commissioner [] then transferred to Commissioner [] which request was made for him to recuse himself, that he so viamately refused.

How is it that we have 2 cases in front of [] now [] and 2 in front of [] This is truly biased and prejudice..

Most recently in our case on [] a continuance was requested 1 day earlier and we were told by the Commissioner [] judicial assistant [] that the hearing was vacated. on [] after we explained our situation that we had to work or lose our jobs. You have a copy of the tape of our conversation afterwards on or around []

While on the phone on [] put us on hold to speak with the Commissioner concerning our situation, that he relayed to her to vacate the hearing on [] We were told that we did not need to file anything in writing.

Our request was timely and jeopardized our employment because we were on a probationary period. This request was done over the phone and we explained our situation . We were told the hearing was vacated, and Commissioner [] held the HEARING ON [] AND SIGNED OFF THE DEFAULT JUDGMENT AGAINST US..

Commissioner [] claims in the hearing of [] that we had notice , in spite of the fact that his judicial assistant [] told us on [] that the hearing was vacated. On [] At no time later did [] or anyone from the court contact us to inform us that the hearing was to occur. The only way that we found out was by the threatening letter from attorney [] received near the end of the month with the [] default judgment included.

We are including a tape of the conversation between Commissioner [] judicial assistant [] and [] addressing the issue of her telling us the hearing was vacated on [] and not speaking up on [] at the hearing or otherwise that we were not contacted by anyone from the court.. There is a transcript of the []/hearing available. We do not have the funds to get a transcript of the [] hearings. Commisioner [] judicial assistant [] was subpoenaed to show up for the hearing on [] and did not appear, and the commissioner would not address the issue. This is clear that commissioner has something to hide.

A fax was sent to Judge [] and on the Monday after [] called me to tell us that a hearing on [] would occur to address the issue of the default judgment and the vacated hearing. Judge [] sent back our letter to address issues in this case and refuses to address.

The default judgment was stayed by Commissioner [] in the [] hearing till at least [] hearing. There was also a violation of the bankruptcy automatic stay being that we were waiting for a hearing in the bankruptcy court to reinstate that was continued till [] Commissioner [] denied to address the issue that Attorney [] had violated a court order to stay the judgment and executed the judgment and had the property taken out of [] [] name before the [] hearing. Because of this we on

[redacted] immediately went to the bankruptcy court to file a new petition for protection from the errors that have occurred in the this matter.

As much as we would like to respond and have these matters dealt with, we can not because we would be violating the automatic stay of the bankruptcy code rule 362.

In fact on [redacted] Attorney [redacted] immediately recorded the default judgment before we even knew about it.

We had a mortgage officer [redacted] from [redacted] Mortgage company at the hearing to testify on our behalf that a title search was done for the financing we were trying to get. The title search showed that the property was no longer in [redacted] name and transferred into [redacted] name solely by a quiet title for a foreclosure that never occurred. As you can see from the minute entry on [redacted] hearing, Commissioner [redacted] denied these documents as proof and also denied testimony of the mortgage officer [redacted]

To embitter us more with disrespect and biased, previously Commissioner [redacted] denied the MOTION FOR A COURT REPORTER. This means there is no record of any proceedings.

In a court of record, a court reporter should be required, not an option for the trier of fact to decide upon. Not having a court reporter shows the trier of fact has something to hide and is not to be trusted.

Even more amazing is the fact that the defendant's attorney did not speak up in regards to this denial.

Pleadings have been filed and never docketed in both cases, that the clerk of the court has been informed, but continues to ignor.

Also, Judge [redacted] would not recuse herself from any of these cases and the presiding civil judge will not remove Judge [redacted] Judge [redacted] has dismissed 1 case wrongfully because our previous attorney neglected our case and was suspended, now deceased, the other was in default 85 days and let the defending party answer after a default application and affidavit were filed 30 days before. The rules of the court are quite simple and it seems that any Judge has no regard for following them. A motion of reconsideration was filed concerning this matter and was not answered from [redacted] which a signed order was requested and not given to date in order to proceed with the appeal from

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her decision. An Application for a signed order also has been filed and not docketed since [redacted] It is a total outrage that this has been docketed on [redacted] and more so this has not been answered by Judge [redacted] in going on more than [redacted] months. My [redacted] appeal was dismissed being that Judge [redacted] never issued a signed order/ judgment/ minute entry in over 8 months. This case should have given us a default judgment for the defendant filing an answer 85 days after being served, and 30 days after an application and affidavit of default.

In the matter, [redacted] we are writing concerning Judge [redacted] who after 90 days the defendant answered the complaint, when a application and affidavit of default was filed 11 days before. The judge let this case continue instead of ordering a default judgment. Now the commissioner [redacted] has wrongfully awarded attorneys fees and a default judgment to the defendant for his wrongdoing. The defendant's attorney had not sent the conformed countercomplaint to us and tried to have the counter-complaint served on my next-door neighbor. There has never been proper service in this matter [redacted] The attorney did not enter a notice of appearance before or at the time of filing the answer and counter-claim.

. We are the plaintiffs in this matter.

[2] We have several cases filed and pending here in Arizona and was granted access with deferrals, plus the fact that we were in bankruptcy and are done in hate and malice.

I would think that total denial of due process access to the court, due to indigence is unconstitutional, being forced into being a pro per litigant.

Thank you for your time.

Sincerely,

[redacted]