

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-194

Complainant: No. 1291410655A

Judge: No. 1291410655B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The judge was, however, reminded of the advice contained in the Code of Judicial Conduct to avoid the appearance of impropriety.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: November 21, 2006.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on November 21, 2006.

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

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

FOR OFFICE USE ONLY

CJC-06-194

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name

Date: 9-17-06

Instructions: Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

PLEASE SEE ATTACHED DOCUMENTATION

PICTURES INCLUDED ARE THOSE TAKEN FROM PLAINTIFF. IT SHOULD BE NOTED AGAIN (AS IT WAS HIS COURT) DEFENDANT HAD PICKED UP FRIEND FOR SCHOOL AND WAS PROCEEDING AROUND CUL-DE-SAC WHEN [REDACTED] BACKED OUT OF HER DRIVEWAY. SHE TESTIFIED THERE ARE ONLY THREE HOUSES BETWEEN -

[REDACTED] CAR SUSTAINED A COUPLE OF SCRATCHES AND UPON FIRST SIGHT [REDACTED] CAR WAS NOT DAMAGED TO THE EXTENT SHE CLAIMS NOR DO THESE DAMAGES SUPPORT WHERE INCIDENT OCCURRED ON VEHICLES.

I WILL RAISE AGAIN QUESTION - WHY DID SHE BACK INTO STREET & WHY DID SHE NOT SEE ONCOMING CAR? ALSO, WHY WAS SHE SO FAR OUT INTO THE STREET AND NOT WITHIN HER SIDE OF ROAD? WAS THERE AN UNDERLYING MANUFACTURER FLAW OR JUST A FLAW

(Attach additional sheets as needed)

RECEIVED

JUL 06 2006

STATE BAR OF ARIZONA

CJC-06-194



Please note that this letter is a complaint filed against Hearing Officer, [redacted] representing the court in above noted case.

On [redacted] we were present for above hearing scheduled for 11:00 AM on date noted. Hearing Officer assigned to the case was a [redacted] Hearing Officer's name was not noted anywhere on the bench or in an introduction.

[redacted] first informed us as he ushered us into the hearing to the busy scheduling before him. As he shuffled his papers, he then commenced proceedings by swearing in parties represented - [redacted] along with her parents [redacted] [redacted] Also present for the defendant [redacted] was [redacted] (the occupant in [redacted] [redacted] vehicle).

Within the proceedings, the following occurred that puts the system of "fair and balance" into question:

- the plaintiff clearly stated in her opening remarks her new position of a [redacted] [redacted]
- upon approach of the bench, she misstated her direction of exiting her driveway into the street; was corrected by the defendant and [redacted] stated, verbatim, "You meant to say to the right, right".
- The plaintiff also referred to remarks made by her sister to the defendant's sister, which was allowed; however, when the defendant reiterated the remarks, [redacted] [redacted] chose at that time to state "no relevance".
- During the presentation of pictures to the plaintiff's vehicle, [redacted] gave no regard to the defendant's explanation of direction vehicles were heading nor to the fact that the damage shown on the plaintiff's vehicle does not support what both parties explained happened. He dismissed both from the bench without allowing further elaboration or, for that fact, an explanation from the plaintiff "just how did that amount of damage occur...".
- [redacted] hurried the balance of hearing, rushing through each individual and overlooking the defendant's witness until [redacted] pointed out the witness wished to speak. Upon the witness's sworn testimony, [redacted] took it upon himself to unleash a line of questioning and scathing remarks to the defendant.
- Theses remarks included, "whose name was the vehicle registered to"; "you mean to say that at age [redacted] this car is in your own name"; "where was the backpack":

"do you own a cell phone"? [redacted] dwelled on the defendant's age and how could it be she could/should own a car. What he failed to do was allow one of us to respond to the facts: the 1973 Honda Civic was purchased by an individual seller and at the time, there was an attempt to steal the vehicle – the young men alleged to the attempt made a huge mistake – they tried to remove the vehicle right across the street from a police sub-station. The vehicle was purchased and then towed by defendant's father to the house minus wheels, a busted windshield and wires hanging from where they attempted to "hotwire" the car. [redacted] remarks were, to say the least, out of line. If [redacted] wanted to keep this balanced, he should have asked the plaintiff the same question – which he may have been surprised at her answer. Is this relevant? No – my point!!

- Was there a backpack introduced by the plaintiff in her remarks? NO
- Was there mention of a cell phone? NO
- Was [redacted] searching to "pad" the plaintiff's case?
- Why didn't [redacted] continue his questioning of the plaintiff when she was attempting to explain her reasons for backing out of her driveway onto the street when a car was approaching? [redacted] did ask if the cul de sac was two ways to which both plaintiff and defendant complied in the affirmative. So, if that were the case, how is it she continued to enter the street and not see the oncoming car?
- [redacted] concluded by saying that decision would be rendered within ten (10) days. Hearing was on a Friday – following Tuesday decision was received via mail.
- [redacted] dismissed parties at end of hearing; however, plaintiff remained in hearing room conducting conversation with the hearing officer. Her explanation of this ex parte communication is noted on copy attached. I'm quite certain [redacted] [redacted] could have obtained this information through other means and without communication with a party of a hearing he just heard!
- All the above mentioned would have been addressed sooner had we been aware of our right to question the behavior on the seat.

This situation and behavior makes one question the meticulously created "picture" of the justice system. It diminishes our view and questions the standards, integrity and honesty of those in position to judge in a fair and balance method.

I received a subpoena on [redacted] with hearing set for [redacted]. Take note (copy attached) that the subpoena was dated [redacted]. I brought that to the attention of the judge who then addressed the plaintiff "why is that"? No answer from plaintiff and judge moved on with a one week continuance. Why was I denied an answer?

This situation and behavior makes one question the meticulously created "picture" of the justice system. It diminishes our view and questions the standards, integrity and honesty of those in position to judge in a fair and balance method.

Sincerely,