

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-281

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Complainant: No. 1297210246A

Judge: No. 1297210246B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge. The issues raised are legal or administrative in nature.

The commission is not an appellate court and cannot change a judge's decisions; therefore, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 26, 2007.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on January 26, 2007.

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

November 7, 2006

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Subject: Judge [redacted] (Municipal Court)

Dear Commission:

This complaint is in regards to [redacted] a judge in the [redacted] Municipal Court. We believe an investigation is necessary due to [redacted] lack of fairness, biased personality in the courtroom, not examining her cases thoroughly before making decisions that may pertain to the lives of innocent people, and being incompetent and dishonest when confronted by her superior's.

We have lived in Arizona for over 40 years. We have never had any court dealings and have no criminal history. We are outstanding, law abiding citizens. We are professional people with a successful [redacted] business, on top of raising three small children. In [redacted] we received Injunction of Harassment papers from the [redacted] Municipal Court. The Injunction was lodged against us from a former client by the name of [redacted] and her husband who happens to owe us thousands of dollars from a [redacted] job we performed. They were also given the privilege of being our [redacted] last year.

After requesting a hearing in [redacted] we showed up to find out [redacted] had dismissed the Injunction. [redacted] also showed up. After sitting for 1 ½ hours waiting for Judge [redacted] to come out, we were told the case was dismissed a few days prior. It was a complete waste of time and our witnesses took time out of their day to be there with us. We have never (to this day) received anything in writing from the courts telling us not to appear. [redacted] had decided to reinstate the Injunction supposedly due to further harassment by us and our company employees.

One week later, still in [ ] we receive a notice from the [ ] courts to show up for a hearing which gave us 24 hours to show up. By then we were getting frustrated by [ ] ability to manipulate the system. As per our lawyer's advice we put a motion in asking for an extension hoping our attorney could be at the next hearing Judge [ ] might set up. After calling the courts and waiting for an answer, we showed up once again in time for the hearing only to find out that Judge [ ] had decided at the last minute to agree to the motion and change the date. We also brought our witnesses once again.

When the next hearing was set in [ ] we showed up once again, on time. We did not show up with our attorney because he claimed it was highly unnecessary and expensive only for an Injunction hearing. That it would be easy for us to handle ourselves. [ ] decided this time to bring an attorney by the name of [ ] and a witness which she had not done in the past. (We had never seen this witness before). Judge [ ] made it perfectly clear that this would be a hearing with cross examination etc... [ ] and her attorney also handed us their exhibits, and we did not have any exhibits. We are not attorneys so we were not prepared for this, especially never having spent any time in court before. Judge [ ] gave us an option to have counsel and we agreed. We then set a date based on the schedule of everyone including our attorney [ ] It would be [ ]

While speaking with our attorney a few days prior to the new date, he told us that he had an emergency hearing with the Superior Court on that specific day. We were very disappointed because we really wanted to put this nonsense with the [ ] court behind us. He then said he would put in for a continuance. He did that with no objection from [ ]

Shortly thereafter, our attorney told us that he had spoke with [ ] and they established a verbal decision that although we had not contacted or harassed his clients, it was to everyone's best interest to stay away from each other and not pursue this court issue any further. Our attorney assured us that this was the route the two of them decided to take.

On a Saturday in [ ] we answered our front door only to find we are being served once again. We had no idea what was going on. The first thing on Monday, we called the [ ] court to find out that we missed a court hearing on [ ] with [ ] and [ ] in front of Judge [ ] We told the clerks that we knew nothing about this. They said our attorney should have received a notice. We then called our attorney who was amazed by this and said he had never received anything from this court. He and his staff searched our files for the notice and found none. He also had not

heard anything from [ ] and according to their agreement [ ] was to contact him if they were going to pursue the matter any further.

Our attorney put a motion in to Judge [ ] requesting a re-hearing since everything was done behind our backs. She denied the motion. We were in shock and disbelief that Judge [ ] would make such a harsh decision and not give us our day in court due to a mistake made by the Municipal court. We really needed to prove our case, because not only are we wrongly being accused of harassment, [ ] has viciously lied and told the courts that we have been constantly trying to kill her husband. Those are some serious accusations as far as we are concerned! We have all the proof to present before the court of our innocence (including tapes of [ ] and of the many lies [ ] has produced in her statements within this court and other courts of this same matter. [ ] does not have one shred of proof that we have harassed her or her husband. Therefore we have been dragged through the court system like a couple of wicked criminals and lied about. We now understand how innocent people end up in the prison system for many years! It is very clear to us.

Judge [ ] has decided to take away our civil right to be heard. She seems to be on a power trip and since it does not affect her life, it does not matter to her.

In the meantime we were getting more and more frustrated with the whole process of lawyers and judges. We desperately tried to file our own motions and letters with Judge [ ] hoping she would change her mind. Not a chance. We paid to get the tape of the hearing to see what we missed; it was searched for many times by the clerks and was never found. We then tried to change judges. It was denied. We wrote to [ ] the Mayor of [ ] and told him of our problems with the Judge and her court. She shot back with a letter claiming that we had been taking advantage of the court system and that we had filed many civil suits within her court. (Public record will show that being a blatant lie). She also took it upon herself to say that "both parties were clearly bitter with one another." She has absolutely no right to judge how we feel when she has never met us or given us the opportunity to state our facts and feelings. If she wants to know the truth about our feelings, they run more along the lines of disbelief and mistrust. In her letter we found out that she had received a letter from the opposing lawyer [ ] filled with fabrications about our character and not to give us our day in court. It also stated many times over that we had missed five court hearings within the court. Had Judge [ ] read and followed the case, she would know that was not the truth. She was strongly swayed by that letter. That was a biased and unfair call of judgment on her part! It's unbelievable.

After going to the Mayor's office to read this cruel and untrue letter sent by Judge [ ] we decided it would be in our best interest to file an Injunction of Harassment against [ ]. We had had enough at that point. We asked the clerks not to give us Judge [ ] we did not want to see her. We were denied the Injunction of Harassment by Judge [ ]. It seems there was not enough evidence available. [ ] had absolutely none when she went to the court. And it was all very apparent that the judges were all good friends with the way our conversation kept going back to the other case against us, instead of why we were originally there that day. And the comments about what a good judge [ ] happens to be.

Evidently the first person to the punch bowl gets the punch according to the corrupt [ ] court system. We have talked to the [ ] police on many occasion about this ordeal. One officer told us that we have been maliciously victimized by these people and that we need to send letters out to everyone in high places regarding the unfair treatment by Judge [ ]. We were also told to go to town council and speak. And we will do that in time.

Since then Judge [ ] has denied us a new judge and has excused herself from our case. It must be nice to take the easy way out leaving us with her stiff answer "NO" and the case stands as is. She has left us with stress, sleepless nights and time taken away from our children. The clerks know us by heart and cannot believe the way we have been treated. [ ] the one in charge of the Injunctions, said she has never seen anything like this.

By the time [ ] decision was made in [ ] we were served in [ ] and the going back and forth with our attorney, the time to appeal was expired. Our new attorney has informed us that you only get 30 days.

A few days ago we had one of our windows broken out. (Not to mention the other strange things happening to our family). We told the officer who got called over what had been going on with these people. He told us that the Judges at the [ ] court hand Injunction of Harassment papers out like candy. We find it interesting that we cannot seem to get one for our own protection!

We realize that the Commission on Judicial Conduct cannot change the decision [ ] has made against us. However we do believe that the town of [ ] should have honest judges who follow the letter of the law and make decisions based on fact and not biased decision based on emotion or letters written by dishonest lawyers. There are many crooked judges in our judicial system that should be replaced. However we never thought we would fall victim to one of them. We wonder how many other people have had to go

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through this at the [redacted] Municipal Court, or how many more there be in the future. When there are missing tapes, missing letters, not receiving important court notices, and dishonesty, there is a huge problem. We are pleading with you to investigate [redacted] and the problems within this court. We did not deserve this treatment. It is against our rights as citizens not to be given our due process.

Also the extracurricular lifestyle of [redacted] is very questionable for a judge.

Best Regards,

[redacted]