

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 06-286

Complainant: No. 1257910104A

Judge: No. 1257910104B

ORDER

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of either judge. The issues raised are legal in nature or concern a judge's decisions.

Since the commission is not a court and cannot change a judge's decisions or interfere in an on-going case in any way, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: January 25, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on January 25, 2007.

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

COMPLAINT AGAINST A JUDGE

CJC-06-286

NAME

JUDGES NAME

DATE Nov 12, 2006

1.

On Judge filed Ruling Re: Pending Motions (see Exhibit "A"). In that ruling he stated that an attorney may become attorney of record by simply filing motions and pleadings. pp.3 ¶ 1-4. He cited no law or court rule that allowed him to do so. had withdrawn as attorney of record and the Petitioner was acting pro per at the time of the motions and pleadings in question. (see Exhibit "B" and Court Record Exhibit "C", pp. 3). filed and signed three responses while the Petitioner was acting Pro Per. pp. 2-3. The act of accepting the responses with no basis in the law prejudiced the Respondent while benefiting the Petitioner. The Petitioner was acting Pro Per until (see Exhibit "D").

MEMORANDUM OF POINTS AND AUTHORTIES

16 A.R.S. Rules of Civil Procedure, Rule 5.1 (a) 1 states, "No attorney *shall* [emphasis added] appear in any action or file anything in any action without first appearing as counsel of record." 16 A.R.S. Rules of Civil Procedure, Rule 11(a) states, "Every pleading, motion, and other paper of a party represented by an attorney shall be signed by at least one *attorney of record* in the attorney's individual name, whose address shall be stated. A party who is not represented by an attorney shall sign the party's pleading, motion, or other paper and state the party's address." Blacks Law Dictionary, Eighth Edition, pp. 1407 states that *shall* means, "has a duty to; more broadly, is required to." [emphasis added] *Shall* is not optional. The State Bar of Arizona's Opinion 05-06, July, 2005, Exhibit "E", pp. 9, ¶ 3, states, "because Arizona procedural rules do not currently afford and attorney the opportunity to enter a limited *appearance* [emphasis added] for these narrow purposes, an attorney wishing to avoid making a formal appearance in the matter will generally keep his or her name off the Court submission."

2.

On an appeal to Judge no basis ruling was filed with the Court of Appeals. Notice of appeals was filed with the Superior Court on (see Exhibit "F"). Per the court record, Exhibit "C" pp. 2, a stay was issued on In Exhibit "C" and per the court record Judge blatantly, negligently, maliciously prejudiced the Respondent by continuing to issue orders and hold hearings with total disregard for the law and the active Stay. According to *Rules of Civil*

Appellate Procedure, Rule 7. Stay of Proceedings to Enforce a Judgment all further proceedings thereon shall be stayed. Judge [] violated the rules of the court.

CONCLUSION

Judge [] has broken the law, violated court rules, discriminated against the Respondent and warred against the constitution. Presiding Judge, [] has been copied on pleadings and the Respondent has written him a detailed letter on the violations of this court. He has done nothing to resolve the issue as required under *17A A.R.S. Sup.Ct.Rules, Rule 81, Code of Jud.Conduct, Canon 3, C(3), D(1,2)*. The Respondent has been impoverished and living in a tent for most of the last 2 years due to the lawless actions of this court after making well over one hundred thousand dollars a year for many years. The Respondent has recently been furloughed from the airlines and since he will turn 60 in January of 2007, CFR 14, FAR 121.383 leaves very little hope that the unemployed, ailing and uninsured Respondent will ever recover.

Judge [] auto denies every motion the Respondent files. To grant the Respondent's motions would expose the corruption in the court.

I am requesting that Judges [] be suspended, fined, publicly admonished and removed as Judges since they have complete disregard for the law, court rules, the constitution and the affect their corruption has had on a person that has been a hard working American his entire life.

I am demanding that I be copied on all responses from the two Judges so that I can counter their submissions.

Respectfully,

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