

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 06-296

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Complainant: No. 1298300303A

Judge: No. 1298300303B

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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 in nature. The correct remedy is to appeal to a court with appropriate jurisdiction.

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 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 Judge [redacted]  
November 29, 2006

I as the Defendant filed a motion for dismissal of Case [redacted] with the [redacted] Justice Court and Plaintiffs Attorney [redacted] failed to file an objection to my motion in the time allowed by court rules and Judge [redacted] Dismissed the case on [redacted] I considered the matter closed. However, Plaintiffs Attorney [redacted] filed an objection with no explanation as to legally why the court should reverse its decision other than a verbal explanation that his office had lost track of the matter. I am of the opinion that the employer is responsible for the actions of his employees. Had I not responded to the court I am sure there would not have been any exceptions to the courts rules.

The case proceeded and on [redacted] I filled another Motion for dismissal based on ARS 47-3311 Accord and Satisfaction by use of Instrument and Plaintiffs Attorney [redacted] failed to file any objection to my motion in the time allowed by court rules (and has yet to file any response) and Judge [redacted] did not rule on my motion until I filled a second motion seeking that the Court rule on the matter and the Court did rule and ruled against dismissal. The Court had no basis to rule in favor of the Plaintiff for Plaintiffs Attorney [redacted] failed to file an objection to my motion. There was no expression of any fact in law to reverse my motion by Plaintiffs Attorney. Additionally the Judge made no explanation as to the fact in law for his action. The Judge only wrote "Ruled on several times" "Denied" that was all. There was no previous ruling by the Judge on this issue.

There were three other situations in which the judge ruled in favor of Plaintiffs Attorney and Plaintiffs Attorney did not express any position on the matter. The one most interesting was when I made a motion to the court to have Plaintiff and Defendant be responsible for their own legal expenses for I had no control over Plaintiffs use of legal services or they mine. The judge ruled against my motion verbally in Court so I have no proof in this matter. I do not expect the Judge to rule in my favor but there appears to be preferential treatment afforded Plaintiff or Plaintiffs Attorney.

I have not been treated fairly or justly by this Judge. The Judge has held to the rules of court procedure for Plaintiffs Attorney but not for me. The Judge has been incompetent in procedures and in handling this case and appears to have given Plaintiffs Attorney preferential favor for what ever reason. I appeal to the Commission on Judicial Conduct for justice in this matter. Thank you for your attention in this matter.

[redacted]