

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-018

Complainant: No. 1301500264A

Judge: No. 1301500264B

ORDER

The complainant alleged that the judge delayed transferring her case to the superior court for eight months. The commission reviewed the matter and found that the transfer orders had not been prepared for the judge's signature because the court was in the process of moving to another location. The commission found no misconduct on the part of the judge and advised the court to implement additional procedures to avoid similar problems in the future.

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

Dated: April 4, 2007.

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 4, 2007.

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

COMPLAINT AGAINST A JUDGE

Your name: []

Judge's name: Honorable []

Date:

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. (Attach additional sheets as needed)

I filed a Civil Complaint on [] because [] owed me [] in back wages. I filed this complaint as []

[] was served on []
A pre trial conference was held on []
[] 40 days to provide his disclosure statement ended on [] I was not given his statement at the pre trial so I entered a motion to dismiss answer and grant default at that time. He was given another 15 days at that time. He finally provided his statement on [] but it was copies of what I had already provided the court. I actually had shown more proof of payments he had made then he did.

A trial date of [] was set. I had a subpoena for records served on [] on []
[] was allowed to ignore the subpoena and I never did receive the documents requested.

On [] I was granted my judgment in the amount of [] plus 10% per annum from judgment date.

[] had until [] to file his appeal. His motion to appeal was received by the satellite court in [] by courier on [] I filed a motion to reject his appeal request as it was filed 3 days late. On [] I filed a motion to amend my judgment based on ARS 23-360 which states that an employer that fails to pay a judgment ordered by a court within 10 days after judgment becomes final is liable for treble the amount. At that time my judgment had been final for 20 days. [] also filed a motion to amend judgment to take [] off the judgment at the same time as the appeal motion was filed. This also was filed late and should not have been considered. [] was the sole owner of the company which is why I filed it as I did. A hearing for this matter was set for [] At this hearing Judge [] took [] name off my judgment and said that the matter would have to go to Superior Court due to jurisdictional limits.

On [] I returned to the Courthouse to inquire on the status of my case as I had not heard from the Superior Court yet. I was informed that my judgment was still valid so I got a writ of garnishment for [] bank account. On [] I was informed there were no funds available. On [] I filed a lien on [] home.

I received a letter from the Justice Court that Judge [] would hear in the matter of : Garnishment Hearing. I then received another letter from them stating that the garnishment hearing letter had been sent in error and that it was now set for trial on [] I appeared at this trial only to find that the sitting Judge had no idea of what was going on and that there was no trial scheduled for that day on this matter. On [] it was finally sent to Superior Court. This was 8 months after it was already supposed to be sent to Superior Court. During this time [] was able to sell his home without me getting anything on my judgment. He has changed the business name and has his girlfriend as the owner and he as an employee. He sold several vehicles along with anything else I could have attached while he played with the Courts. It is now [] and the Superior Court has had my case for 4 months and still nothing is happening [] committed 12 offenses per ARS 23-201 which is obtaining labor under false pretenses and is a class 1 misdemeanor. Under ARS 23-353 he also committed a petty offense by not paying me after I quit his employ in []

I have believed that Judge [] was a fair Judge. I don't know if there was just something going on in his life that was preventing him from doing the right things or what but I should not have been abused by the Justice System. [] should not have been allowed to walk away scot free and should have been held accountable for his actions. The only thing I did wrong was to trust that [] would pay me the wages he owed me as he had done so on several occasions during my employment with him. The justice court also gave a copy of a letter that I had written to Judge [] when I got the garnishment hearing letter to [] I was very upset as I had already endured the game playing for a very long time. In the letter I put some very private medical information that I did not want [] to know about. I had sent a letter to the Superior Court Judge and it was returned to me as I had not sent a copy to [] The letter never should have gone to [] I don't want to see Judge [] in trouble but I also don't think I should be raped by the justice system either. I was put into very bad financial problems because he did not pay me the wages I earned. I almost lost my home and my husband had to leave the state to obtain work to get us caught up. He has been gone almost 2 years now all due to [] actions. All I want is the justice I deserve.

Thank you
Sincerely,

P.S. New case number for
Superior Court is: