

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-278

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Complainant: No. 1321410268A

Judge: No. 1321410268B

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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 involve legal and procedural matters outside the jurisdiction of the commission. The commission is not a court and cannot review evidence to determine whether or not a judge's decision is correct. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: February 5, 2008.

FOR THE COMMISSION

g\ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on February 5, 2008.

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

CJC-07-278

COMPLAINT AGAINST A JUDGE

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.

The judge would not consider or enter any motions that I filed with the Court that would dispose of my case in my favor. I was repeatedly denied summary motions and any other requests that would help me prove my case.

I have now discovered that orders by the arbitrator were not recorded, and exceeded the limitations of power deemed by the Court.

I have been subjected to invidious, unfair discriminatory treatment, and required to file excessive amounts of Court papers without cause.

I asked for a review of my case for subject matter jurisdiction, and when the attorney of record neglected to file an answering memorandum, the judge entered an order to deny the summary motion, "Given the circumstances." The judge entered the order in retaliation for filing an Affidavit for Change of Judge for Cause.

The judge refused to schedule or direct the scheduling of any hearing that would lead to discovery that would help prove my case.

The judge will not allow me to fairly and equally participate or partake in any Court service that would grant a summary motion in my favor. (Attach additional sheets as needed) The attachment describes the events in my case and the impropriety and appearance of impropriety in the judge's activities.

[REDACTED]

This is a personal injury case whereby I was rear-ended while stopped at a red traffic signal on [REDACTED] by an individual insured by [REDACTED] Automobile Insurance Company also referred to as [REDACTED]. I attempted to settle my bodily injury claim with the insurer, however the settlement offer was unreasonably low, and did not reimburse Medicare even upon a formal demand. I contacted the insured and advised her that settlement negotiations were unsuccessful and that a lawsuit would commence on or before [REDACTED].

I filed my lawsuit against the insured in [REDACTED] Superior Court on [REDACTED] [REDACTED] and completed the Certificate on Compulsory Arbitration at the time of filing. The insured neglected to answer the summons and complaint, and the case went into default. The insurer assigned an attorney to ask for a dismissal of my claim, and to contest the entry of default, and the case was remanded back to Civil Court for further proceedings.

The attorney did controvert the Certificate on Compulsory Arbitration with photographs of the rear end of my vehicle as cause for proceeding to arbitration, though damages pleaded exceeded the jurisdictional limit, and no Certificate of Agreement to negotiate through arbitration was served on the Court.

In arbitration proceedings, the attorney presented the insurer's settlement offer that I made clear was unacceptable. No other offers or attempts to negotiate have proceeded in arbitration. The attorney obtained an emergency continuance for original date setting the arbitration hearing, and two additional continuances to date. The time for completing the arbitration process is two hundred seventy days. That time has just about expired, and there has been no hearings conducted to assess the positions of the parties.

I discovered that the process of arbitration was just as oppressive as the Court forum. I was denied the opportunity to have any of my motions brought to hearing for discussion and resolution. I could not access the Court under the judge assigned to my case. I filed an affidavit for change of judge for cause, and was retaliated against with a minute entry that failed to state

[REDACTED]

any legal or factual basis for denying my summary motion to the Court. The attorney in this case has been granted favors and improprieties by the judge and simply neglected to file any answering memorandum when I filed a petition for dismissal for failure to state a claim. The judge set the precedent in my case that whatever I filed would be denied, and the attorney did not bother to perform a legal obligation given that the judge's activities did not warrant taking the petition seriously.

This is a complex case as the defendant named in the case never participated, and the attorney has fraudulently concealed and avoided the issue when contested in Court. The judge did not ask for evidence that the defendant was in fact an active participant.

The judge has been an active participant in the tort of negligent interference with prospects of an economic advantage on my behalf. Not only are there prospects for economic benefits for me, but the State of Arizona as well.

The insurer in this case has challenged Arizona insurance laws in our Courts for years as a citizen of the State, when in fact: the insurer does not qualify for this privilege. I researched, and investigated the insurer to get answers on this issue when my personal non public medical and other information was shared in violation of the insurer's privacy policy. The insurer has been operating on repealed laws in the state for a number of years. The adjusters of the insurer do not understand Arizona insurance laws: therefore I could not expect a settlement in accordance to state regulations.

The Arizona Department of Insurance referred me to the Court to determine if the insurer has not properly reported to the state. I discovered that the insurer formed a federal savings bank, [REDACTED] that also sells insurance products. [REDACTED] regulates this bank, not our state agency.

I discovered that a provision in the Patriot Act of 2001 mandated that insurers such as [REDACTED] contact the [REDACTED] for a determination of its responsibilities under the Bank Secrecy



Act, but the [redacted] would not given any public records on whether the insurer complied with the department's directive. I have been referred by the Arizona Corporation Commission to determine if the insurer for an interpretation on whether the insurer can still qualify as an insurer, and "exempt" from filing with the commission.

I filed my case as a personal injury action; however, the insurer complicated the case by interfering with an application for intervention, and without being formally joined in the action. The insurer has remained an anonymous speaker and proceeded as the defendant under false pretense. The insurer does not want the interpretation of its legal status regarding its possible failure to qualify as a corporation to be reviewed, and possibly give rise to a cause of action for me and the State of Arizona.

The judge has suppressed my access to the Court to obtain that interpretation. This insurer has burdened the Court with wasted activities, as it is no consequence to them. The judge even ordered that I pay attorneys fees directly to the attorney and thus give credit to the insurer for its participation in this case. That constitutes a legal order for the conversion of my property with the benefit of a hearing to defend myself, and when the law would not allow an insurer a direct cause of action under Arizona insurance laws.

The judge has allowed this case to remain on the inactive calendar, and incur unjust arbitration fees in an attempt to deny me my right to claim damages against a party that I can show injured me.

The judge's conduct in this case makes me believe that there is incentive in his negligent interference with an economic advantage for me, and the State of Arizona. It is my belief that the failure to qualify as a corporation can be investigated by the Attorney General if the judge considered the evidence presented him. The certificate of nonexistence obtained from the corporation commission is prima facie evidence of a failure to qualify. The judge has prevented me from requesting any discovery on the issue. It is my belief that discovery would strengthen

my case, and define the cause of action against the insurer that a citizen of the State of Arizona may pursue under state statutes.

I have been unfairly denied the right to know why my summary motions fail to dispose of the case. The judge has issued or directed the order to issue insufficient legal or factual basis for denials. The attorney in the case has avoided many of the allegations brought before the Court, and the judge has not considered the avoidance as an admission or consent where the rules provide the imposition. The attorney has not been sanctioned in any way for filing answering memorandums that wholly lack or wholly fail to state an objection to my claims.

The integrity of the Court should not be for sale. The judge is the voice of the state. The judge should be willing to impartially decide the facts in a case. This has not been done in my case. The avoidance by this judge to perform the duties which the people of the State of Arizona entrusted him to do should not be compromised under any circumstance. The insurer in this case has come into the State of Arizona, established its business, but failed to act responsibly in its reporting activities to the detriment of all citizens of the state. The consumer violations are numerous. The publication of private matters is readily abused. The Court is the only "equalizing force" against the abuse of state law.

I am a registered voter, and law abiding citizen in the State of Arizona. I am entitled to access the Court for public redress for violation of state laws. The judge has suppressed my right to a jury trial, the right to equal and fair access to the Court, and the right to have my case fairly and impartially litigated since assigned to my case. The State Supreme Court must review the conduct of this judge as it not only interferes with an economic advantage for a state citizen, but for the State of Arizona.