

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 07-321

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Complainant: No. 1325010479A

Judge: No. 1325010479B

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**ORDER**

The commission reviewed the complaint filed in this matter and also reviewed the audio recording of the trial and found no ethical misconduct on the part of the judge.

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

Dated: March 27, 2008.

FOR THE COMMISSION

/s/ Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on March 27, 2008.

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

**CJC-07-321**

December 20, 2007

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I am writing you this letter to inform you how disappointed I am with the demeanor displayed during my mother's garnishment hearing held on

My mother requested a garnishment hearing (non-earnings) which was held on the date stated above. My mom has a judgment entered against her, she's pro per and does not speak English. I arranged that day for a professional interpreter to assist my mother.

When my mother arrived promptly for the hearing, plaintiff's attorney, Mr. [redacted] was already in the courtroom talking with [redacted] stated to my mother he was in a hurry and had "other things to do." My mom told him she was waiting for her interpreter. The interpreter arrived shortly after on time for the hearing. Apparently, [redacted] had arrived earlier than [redacted] and was in the courtroom talking with [redacted] in my opinion, "cutting a deal" since Mr. [redacted] was in a hurry to get out. I've witnessed myself on prior occasions how judges and counsel discuss cases without the defendants in the courtroom.

My mother stated the hearing was no more than 10 minutes long. [redacted] stated in the courtroom he was busy, and he had to get out as soon as possible. My mother barely had an opportunity to speak and propose an agreement with counsel. My mother took documentation to show her financial situation in hopes that [redacted] would rather make a more reasonable decision if he had bothered to look at her paperwork and listened to her situation. My mother stated [redacted] appeared "disinterested, bored, and careless."

The speedy hearing was much cut and dry if I can label it that way, both parties failed to listen to my mother and worst off, [redacted] should've had the courtesy to at least adjourn the hearing. My mother stated he got up from his seat and left the bench. [redacted] and she were left sitting in the courtroom without a dismissal.

**CJC-07-321**

I won't involve basics or history of this case because it's irrelevant. But what prompted me to write this letter was the whole situation from the beginning how my mother's hearing was handled. After all, she is entitled to contest the garnishment. And she is entitled to a fair hearing by a committed judge. Most judges and commissioners make a 6-figure annual salary and it is only right or better yet, ethical to work by the standards they were sworn to uphold in court. Our Superior Court's motto is "Committed to the Timely, Fair and Impartial Administration of Justice." In this case there was no commitment or fairness.

As a result, my mother lost a little over \$10,000 from this garnishment. This was 17 years worth of hard work as a housekeeper. My mom was left with \$0 balance just days prior to Christmas. She's in severe financial and emotional distress. Both counsel and Commissioner treated her with duress and total disregard to her pleading for an agreement. Never once listened or looked at her paperwork. My question is why ask for a hearing when garnishments usually favor the plaintiff and defendant's status is not being acknowledged?

My mother was not disputing her financial obligation. All she wanted was to enter an agreement in hopes that she would be able to keep some of the money instead of losing it all. She's in her early 60's and accumulating the same amount again would take her another 20 years of work. At this point we're trying to get over the fact that she lost all her life's savings. What I can't get over is how vile and heartless these men were to my mom; they tore her to shreds and ignored her plea.

Your honor, I want to make you aware that some, not all, of the judges and commissioners you have employed for the service of this community at Superior Court, might not be worthy of such post. If these individuals cannot or do not have that drive to be impartial, work as professionals or be committed to the court, then they probably don't belong there. Offer the bench to someone who truly listens with his mind and heart.

Cc: The Honorable Janet Napolitano, Governor of Arizona  
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