

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-017

Complainant: No. 1326710598A

Judge: No. 1326710598B

ORDER

The commission reviewed the complaint filed in this matter, as well as the case history, and found no ethical misconduct on the part of the judge. The judge properly relied on the avowals of the opposing attorney, who is an officer of the court. The remaining issues are legal or procedural in nature and outside the commission's jurisdiction.

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

Dated: June 30, 2008.

FOR THE COMMISSION

Executive Director

Copies of this order were mailed to the complainant and the judge on June 30, 2008.

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

CJC-08-017

COMPLAINT AGAINST A JUDGE

We filed a case against a contractor named _____ The case was assigned to _____ Superior Court. The case took over 15 months; 2 defaults were declared during the civil court process and then forced us to go to arbitration with _____. That arbitration process cost us approximately _____ never showed up for that process.

We believe that _____ violated several canons of the Code of Judicial Conduct.

**CANON 1
A JUDGE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY**

This Canon states that "although judges should be independent, they must comply with the law and the provisions of this code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility."
_____ violated this Canon by ignoring the time lines established by the civil court system on 2 different occasions. He specifically violated the integrity of the process by accepting the word of an attorney who lied to the court and made excuses for violating the court's time lines. Please refer to court transcripts. _____ attorney, _____ never met a court imposed time line and _____ accepted his excuses on 2 separate occasions.

**CANON 2
A JUDGE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THE JUDGE'S ACTIVITIES**

_____ ignored the court's rules regarding defaults. Why should a civil court impose time lines or time frames when the judge does not adhere to them; when the judge accepts lies in his court room? This is a court rule and not following it gives the appearance of impropriety by creating a perception that the judge's ability to carry out his judicial responsibilities with integrity, impartiality and competence is impaired.

**CANON 3
A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY**

(8) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

By not honoring the court declared defaults, _____ did not dispose of the legal matters promptly, efficiently or fairly. He ignored our rights to be heard and to have our legal issue resolved without unnecessary cost or delay. We waited our sixty days several times only to have this judge continue to award extra time to the defendant's attorney. Nor did he require this attorney to submit any documentation or time stamped receipts regarding filing dates. We experienced avoidable delays and many unnecessary costs because of this judge's failure to dispose of this judicial matter in a timely and honest manner.

We were the first of approximately 26 people who filed a case with the courts about this contractor and as such, we were the first to attach his _____ bond. However, due to the numerous delays imposed by this judge, another individual was able to get a court judgment before us and thus we had to split the bond. We were only awarded 50% or _____ of the bond money. **JUSTICE DELAYED IS JUSTICE DENIED!** Please refer to court transcripts.

D. DISCIPLINARY RESPONSIBILITIES

This judge allowed a lawyer who had a censure filed against him by the AZ State Bar Association lie to him and deceive him and NEVER asked for any documentation or court receipts to substantiate his claims. He violated this area because he had information at his disposal indicating a substantial likelihood that this lawyer had committed a violation of the Rules of Professional Conduct and he failed to investigate or take action. This lawyer raised substantial question as to his honesty, trustworthiness and fitness to perform duties as a lawyer, yet this judge did nothing to look into disciplinary actions and those responsibilities that come with his territory as a judge.

In summary, we know that this judge did not perform his duties to ensure judicial integrity; nor did he provide us with a forum that was fair, efficient and cost-effective. Enclosed in this packet is information on both the contractor and the frivolous lawsuit that he filed against us. That lawsuit impinged on our First Amendment Rights. This lawsuit was filed against us by the same unethical lawyer who stood before _____ who never questioned his honesty or validated his statements to the court. Currently, the County Attorney is investigating the contractor and is in the process of building a case against him. _____ has been suspended from practicing law in Arizona.

We believe that the judicial system severely betrayed us and did nothing to protect us, the victims. _____ did not uphold the Canons of the Code of Judicial Conduct. He did not maintain integrity in his decision-making and did not display impartiality. Our public confidence in the judicial system was destroyed by the behavior of this judge in the courtroom. His acceptance of excuses by the defense lawyer and his willingness to postpone "justice" was intolerable and unacceptable.