

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-023

Complainant: No. 1327310049A

Judge: No. 1327310049B

ORDER

The commission reviewed the complaint filed in this matter and determined that the judge's inappropriate comment to the complainant did not merit a reprimand, but instead voted to issue a private comment to the judge and dismiss the case.

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

Dated: July 14, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 14, 2008.

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

To: Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007
(602) 452-3200
www.supreme.state.az.us/ethics

JAN 29 2008

To Whom It May Concern,

Standing up for fair, impartial courts: "The law makes a promise - neutrality. If the promise gets broken, the law as we know it ceases to exist. All that's left is the dictate of a tyrant, or perhaps a mob" - Justice Anthony M. Kennedy

I have enclosed all of the recordings of the hearing that began on

I, personally, have been unable to listen to these recordings as they are a reminder of how the justice system DOES NOT WORK for those unjustly accused and does work for those who wish to abuse the system for their own devices. What it also presents is the "crucial element of the appearance of impropriety standard is the consideration of whether the conduct was readily avoidable" with regards to the behavior and conduct of the presiding judge;

Harassment - examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes;threatening, intimidating, or hostile acts; and irrelevant references to personal characteristics. Is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, ...disability, age, ...marital status, socioeconomic status...

During the hearing process, continually berated my husband and I with; "You should have listened to me and gotten a lawyer". He also stated directly to me; "If (you) were (my) daughter, I would put (you) over my knee and SPANK (you)".

A judge must avoid conduct that may reasonably be perceived as prejudiced or biased. A judge may "make reasonable accommodations to ensure pro se litigants that opportunity to have their matters fairly heard" without violating the rule requiring impartiality.

We represented ourselves as pro se litigants. My husband, was directed by that he could not speak or make comments to myself or the court even though he was a named defendant on ALL COURT DOCUMENTS. derision regarding the fact that we did not have an attorney was consistent. We could not afford one and responded to his verbalizations with this fact. We continued to contact attorneys throughout the hearing process in hope that one would be able to take our case either pro bono or on payments - to no avail. We continued to

seek assistance through free consultations and were advised to file bankruptcy by several attorneys after nearly a year of attending court.

**However, the presiding Federal Judge, , stated: "This case should not have gotten this far". This was confirmation that not only was chosen for his inability to be fair, but judgmental and more than a few attorney's we spoke to stated the reason why plaintiff's attorney chose the court was because was a "Bastard", an "Asshole" and "I wouldn't go there, I would have changed courts". was not chosen for his integrity but because of his reputation for those who have no other option but to represent themselves.

I cannot recall the exact date, but the hearing where the plaintiff didn't show for a scheduled hearing in court, I asked if I could speak candidly to the court. He stated I could. I stated; "All we ever wanted during this legal process was to be granted a fair & just hearing" and that our civil rights had been violated because of the way we had been treated by his court. You won't hear me speak on the recording BECAUSE HE TURNED THE VOLUME DOWN SO THAT MY VOICE AND STATEMENT FOR FAIRNESS & JUSTICE COULD NOT BE HEARD! You can hear and plaintiff's attorney.

Town of Paradise Valley v. Donald J. Laughlin - Appeal & Error - 970(2): Trial court's ruling on exclusion of evidence is not reversible error unless there is clear abuse of discretion and complaining party has been prejudiced.

we were privy to new evidence against plaintiff and went back to court with evidence of plaintiff's history of perjury, her history of non-compliance with court orders and contempt of court. denied my request to submit documentation by stating; "That time is over. You should have done it then". Yet, any documentation submitted by plaintiff's attorney was accepted forthright and without hesitation.

Town of Paradise Valley v. Donald J. Laughlin - Appeal & Error - 1031(1) - Prejudice from erroneous exclusion of evidence will not be presumed and must be evident from record.

Plaintiff was in contempt of court for a direct order from . We also had evidence, via tape recording from a phone message, of plaintiff's attorney lying. This was played for the court. Nothing happened to the plaintiff for her contempt or the attorney's ability to speak the truth to the court. It should also be noted that her "witness" statements were not copasetic in time or content yet accepted by . However, threatened us with contempt of court for non-compliance with a direct court order, but we had the documentation to prove we were not, at that moment, and this was the only time he accepted any documentation from us. Please listen carefully to the inflection in his voice, on the recording, as this also proves his demeanor of prejudice towards my husband & me.

after the judgment was deemed against us - no surprise there - we applied for an extension and also for a WAIVER OF APPELLATE FEES. My husband is a disabled veteran and I am a blue collar worker. We have 2 children. Our income allows us to survive. DENIED OUR REQUEST FOR AN EXTENSION AND THE WAIVER FOR APPELLATE FEES!! THIS IS WRONG. THE STAFF WE CONSULTED AT THE SUPERIOR COURT OF ARIZONA STATED THIS WAS WRONG.

As pro se litigants, we were treated as substandard and reminded of this consistently by because we did not have legal counsel. This was a MANIPULATION OF POWER AND PREFERENTIAL TREATMENT TOWARDS plaintiff for the simple fact she had legal counsel and we did not. Our civil rights & liberties were violated. Our attempts for a fair & just hearing were suppressed or ignored by

Throughout this hearing process, my husband & I were condemned, mistreated, verbally denigrated and NOT provided a FAIR or JUST hearing as PRO SE LITIGANTS. We request this

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person be investigated for his indignant behavior, injustice, prejudice, bias and misconduct as a public servant.

However, you will notice the quality of the recording and clarity on the first CD. On the remaining CD's, they are difficult to understand due to the poor quality of the recordings. Why is this so? If a court is making recordings for historical documentation, why is the Court NOT maintaining the quality of theirs? Isn't this in violation as governed by general accountable codes and standards of ethic also?

Please be advised that names of witnesses and contact numbers are unavailable to us and are not included in this letter. Thank you.