

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-154

Complainant: No. 1337410543A

Judge: No. 1337410543B

ORDER

After reviewing the complaint and listening to the video recording of the hearing in this matter, the commission found no ethical misconduct on the part of the judicial officer. The question of who to believe and the weight to give the evidence in this case involved legal issues outside the jurisdiction of the commission.

Since the commission is not a court and cannot change the outcome of the case, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 21, 2008.

FOR THE COMMISSION

\s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on July 21, 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

CJC - 08 - 154

June 11, 2008

To Whom It May Concern:

I am writing this letter to complain about Judge

I was a defendant in a Small Claims court matter. I am an employer and my former employee, sued me for 'unpaid' vacation and sick days. Although I provided evidence and copies of checks that were made out to showing payment of sick and vacation days, Judge showed favoritism towards her and I believe he awarded her money based on reasons not related to the case. We are unsure of what the judge is allowed to do but are asking if any of the following is considered reasonable or unreasonable regarding his conduct:

1. Judge listened to whole argument but cut me off when I was trying to give mine and he never let me finish. He stopped me by putting his hands up and telling me to stop. Even at the end, he would not hear my side but was willing and listened to others complaints as we all were walking out the courtroom. Is the judge supposed to hear both sides of the case and let me finish testimony or is he allowed to stop me throughout hearing because I was not finished? He also stopped the hearing because he said he was pressed for time but I never fully gave my case even though he stopped to listen to last complaint as we were walking out the door. He made us stop, go back and talk around the microphone for the record. Although I wanted to continue, he wouldn't let me. Is he allowed to do that without giving me a chance to give my full testimony? She also brought up matters not pertaining to the original complaint and the judge heard them, unwilling to listen to our response. Is that allowed? It felt like favoritism to me.
2. What can also be heard in the transcript is that Judge Mullen asked and suggested to how to pursue other matters to claim insurance money in the middle of the hearing. He said, "Did you take this to the labor department?" He picked up employment department papers and showed them to her recommending she should pursue action if she hadn't already. She informed him that she already had done so and he then put the papers down. Is the judge allowed to ask and give advice to plaintiff about pursuing other matters about obtaining monetary compensation from defendant's insurance? If this is allowed, I do not understand because it made me feel defeated. I felt he was helping her and that it was not appropriate if he was to show fairness and honesty. I was embarrassed and discouraged. after this, felt more confident and grew more hostile towards me. I felt like she acted this way because she knew the judge was on her side. Also, this affected my insurance account so I do not believe the judge was unaware of how recommending a certain action to could potentially hurt me.

3. was also caught lying in the hearing. She gave one story about having been paid only 2 or 3 vacation days in the beginning and then 10 minutes later changed her story and said that they were all awarded. We took an oath to tell nothing but the truth. did not tell the truth. My witness pointed this discrepancy out to the judge and yet the judge awarded her judgment. also during this hearing admitted to being employed while receiving unemployment. She lied to the employment department and said she wasn't working which was also pointed out to the judge. If the Plaintiff is shown to be dishonest in any way more than once, isn't that something the judge should consider? Is the judge supposed to award compensation even though during the hearing the plaintiff was caught telling different stories and shown to be dishonest?

Whatever his reasons were, whether racist or whatever prejudice, Judge was not being impartial and I was so embarrassed and humiliated. I experience racism here all the time because my family and I are not a common minority. Whenever these types of experiences occur without any good reason, we feel very sensitive, hurt, victimized and are fully aware of what is happening. I want to be able to turn to the court system and receive justice.

When people behave this way in a dishonest manner and the judge sides with them even though all the proof is against them, I cannot but help to feel discouraged in pursuing justice. Judge favored for personal reasons and did not give me a fair hearing. He should not have asked and suggested to her if she tried to collect from the labor department and then not let me finish my side of the testimony. His whole attitude and disposition towards me was condescending, negative and mean-spirited when he was exactly opposite towards the Plaintiff. He completely shut me out. You should not have a judge like this in your court system.

The delay in sending this letter is because I have to wait for the transcript of the hearing order to come in the mail. I have enclosed my copy of the hearing.

Thank you for your time.

Sincerely,
Kara Lee