

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-002

Complainant: No. 1333000163A

Judge: No. 1333000163B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge.

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

Dated: April 21, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 21, 2009.

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

CJC 09-002

January 2, 2009

E. Keith Stott, Jr., Executive Director
Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007

Dear Mr. Stott,

Please consider this a complaint of Judicial Misconduct against Commissioner . This complaint alleges several areas of willful misconduct and willful and persistent failure to perform judicial duties. Please take the time to carefully examine the allegations in this complaint. Even though an automatic bias is assumed by the courts because I am Pro Per, I have taken a great amount of time to prepare this complaint specifically with regards to the Code of Judicial Conduct. I absolutely will not accept any further violations of my due process at the hands of Commissioner

COMPLAINT NUMBER 1

This complaint is based on the Rules of the Supreme Court Code of Judicial Conduct-Cannon 2.-A. *"A judge shall respect and comply with the law"*.

On June 15, 2008 I filed a Request for a Garnishment Hearing as allowed by Statute A.R.S. 12-1580. The Court () was required to have a Garnishment Hearing within 5-10 days. Commissioner failed to have this Statutory Hearing and thus has failed to comply with the law. Please see conformed copy of request attached.

By not having this hearing Commissioner has also violated Cannon 3.-B.(1). Adjudicative responsibilities. *"A judge shall hear and decide matters assigned to the judge except those in which disqualification is required"*.

Commissioner was not disqualified and failed to hear or decide the matter.

By not having this hearing Commissioner has also violated Cannon 3.-B.(7). Adjudicative responsibilities. *"A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law"*.

Commissioner did not allow me to present my Garnishment objection and thus denied my right to be heard according to law.

By not having this hearing Commissioner has also violated Cannon 3.-B.(8). Adjudicative responsibilities. *"A judge shall dispose of all judicial matters promptly, efficiently and fairly"*.

Considering that I filed a request for a Garnishment Hearing on June 15, 2008 and it is now January 2, 2009 and the statute requires a hearing within 5-10 days in no way would anyone consider that prompt, efficient or fair.

By not having this hearing Commissioner _____ has also violated Cannon 3.-C.(1). Administrative responsibilities *"A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration,"*.

Under the Arizona Rules of Court all judges have calendar days to handle administrative responsibilities. Complainant alleges the failure to have the hearing was an intentional act of contempt by Commissioner _____, which proves bias and prejudice.

COMPLAINT NUMBER 2

This complaint is based on the Rules of the Supreme Court Code of Judicial Conduct- Cannon 2.-A. *"A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."*

Commissioner _____ despite repeated formal requests has refused to sign a Minute Entry Order into a Judgment so that it can be appealed in accordance with Rule 58-A. This complainant has requested that Commissioner _____ sign her Minute Entry on the following occasions: May 21, 2008 and June 3, 2008. Please see Exhibits attached.

By refusing to sign this Minute Entry into a Judgment Commissioner _____ has also violated Cannon 3.-B.(5). Adjudicative responsibilities *"A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice,"*.

Complainant alleges that Commissioner _____'s intentional refusal to sign her Minute Entry into a Judgment as required by the rule is conduct that proves prejudice to withhold the complainant from appealing her Order.

By refusing to sign this Minute Entry into a Judgment Commissioner _____ has also violated Cannon 3.-B.(7). Adjudicative responsibilities *"A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law."*

Complainant alleges that Commissioner _____'s intentional refusal to sign her Minute Entry into a Judgment as required by the Rule has withheld the complainant from being heard by the Court of Appeals.

By refusing to sign this Minute Entry into a Judgment Commissioner has also violated Cannon 3.-B.(8). Adjudicative responsibilities *"A judge shall dispose of all judicial matters promptly, efficiently and fairly."*

Complainant alleges that Commissioner intentional refusal to sign her Minute Entry into a Judgment as required by the Rule has violated this Cannon considering her Minute Entry was over one year ago, December 21, 2007.

By refusing to sign this Minute Entry into a Judgment Commissioner has also violated Cannon 3.-C.(1). Administrative responsibilities *"A judge shall diligently discharge the judges Administrative Responsibilities without bias prejudice and maintain professional competence in Judicial Administration,"*

Complainant alleges that Commissioner's intentional refusal to sign her Minute Entry into a Judgment as required by the Rule has violated this Cannon because she is acting with bias and prejudice against the complainant.

COMPLAINT NUMBER 3

This Complainant is based on the Rules of the Supreme Court Code of Judicial Conduct- Cannon 3.-(5). *"A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice,"*

Complainant alleges that Commissioner by spoken words displayed a manifestation for bias and prejudice against the Complainant in the December 21, 2007 hearing. See attached pages from transcript.

Commissioner made the following biased and prejudicial statement at the hearing on page 13 at lines 22 and 23: *"And obviously she has taken the necessary steps to fire you, to her own detriment, may I state."* (Regarding complainant's lawyer).

Complainant alleges these statements display the bias and prejudice of . She was actually testifying at the hearing on several occasions when not allowed or required to do so. She made the comments because she believed the transcript would never be reviewed and that her biased comments didn't matter. However, even though she misstated facts several times, that is not at issue. Her words clearly manifested bias and prejudice. A lengthily motion about my lawyer refusing to work with me was filed with the court; her statement can lead to no other conclusion other than that she did not read the motion and if she did, her bias went beyond it.

At this time, these complaints are formally filed with this Commission but they shall not waive my right to bring forward other complaints that have happened or may still happen

with regards to Commissioner . I sincerely hope that this Commission, which is the only body to review a Judge, takes these matters with the utmost urgency they require.

As a side note, I want to mention the extreme hardship and suffering I have experienced because of Commissioner . Ten days ago my Mother passed away and I could not get into my safe deposit box to obtain my Mother's papers. This is a result of not having a garnishment hearing. Yet, there is never a consequence for a bias judge that can crush someone's life. Courts have ruled, no matter what mistake a judge makes, they rise above liability. The law says no matter how much I suffer, Commissioner shall not. Her omnipotent power goes unchecked. Hope of "Justice" seems obscure, and only this commission can see that this does not happen to others.

Sincerely yours.

PB 2007-001718, Superior Court, Maricopa County

cc: Presiding Judge Honorable Barbara Mundell
Clerk, The Arizona Court of Appeals
State Bar of Arizona