

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 09-073

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Complainant: No. 1181710698A

Judge: No. 1171619698B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no misconduct on the part of the judge. The judge was advised, however, to avoid taking calls during court hearings. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 23, 2009

FOR THE COMMISSION

\s\ William Brammer

\_\_\_\_\_  
Commission Chair

Copies of this order were mailed to the complainant and the judge on June 23, 2009.

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

CJC 09-073

COMPLAINT AGAINST A JUDGE

Your name: \_\_\_\_\_ Judge's name: \_\_\_\_\_ Date: 3/18/9

**Instructions:** Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

1. JUDGE PROCEEDED WITH TRIAL EVEN THOUGH ONE DEFENDANT (MAIN DEFENDANT) DID NOT APPEAR.
2. ANOTHER EMPLOYEE OF APS APPEARED AND CLAIMED HAD "LOST HER HEARING".  
JUDGE ACCEPTED THIS VERBAL COMMENT.
3. JUDGE ANSWERED AT LEAST THREE PHONE CALLS ON THE BENCH AND DURING THE TRIAL. SEEMED IN A HURRY TO GET IT OVER WITH.
4. I WAS ASKED FOR PROOF OF MY CLAIM, I SAID I DID NOT HAVE IT AND THE JUDGE IMMEDIATELY DISMISSED THE CASE WITHOUT PREJUDICE.

MAR 16 2009

March 14, 2009

Commission of Judicial Conduct  
1501 W. Washington  
Phoenix, AZ 85007

Re:                      Plaintiff vs APS,                      &

Gentlemen:

I filed a small claims action against the parties shown above.

At the trial Ms.                      did not appear. Neither the Court nor I had been notified of this prior. Instead, another party represented APS, one that I did not know or had ever talked to. The Justice asked where Ms.                      was and was told she had "lost her hearing". She was the main defendant in my case, had appeared sympathetic to my case and had even tried to convince                      to assume responsibility.

This should have ended the case at this point. However, it proceeded. During the hearing the Justice was interrupted by answering phone calls at least three times. This had all the making of a skit for Saturday Night Live.

Although it appeared I would prevail, I was asked, only once, if I had proof of my costs. I answered no. The Justice immediately announced case dismissed. I went up to the bench to asked if I could provide my proof at a later time and was told to take the paperwork to the clerk. It was then I noticed it was decided "without prejudice".

I subsequently provided proof for my claim and sent it to the Court. Of course this did no good. I also filed a motion for vacating the decision based on one of the defendants not being present. Again, it was denied.

I was asking for \$158 from two defendants who were trying to pass responsibility back and forth. It should have been an easy decision in my favor, I could have been given a week or 10 days to file my proof and instead I was treated as if I was involved in a more serious event. This was supposed to be Small Claims Court. At least, follow legal process.

Sincerely, ,