

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-105

Complainant: No. 1361210560A

Judge: No. 1361210560B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: June 9, 2009

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on June 9, 2009.

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

Complaint against Judge**Case number:**

Our former Judge was Judge [redacted] and due to judge's rotation we ended up with Judge [redacted] in 2008. Our trial date was set for December 16, 2008.

After going through three attorney's and losing half our case on a summary judgment I was forced to go pro per because of the money we lost in the partnership and also the attorney fees that were piling up. While my complaint is not against Judge [redacted], maybe it should be. He did allow my partners to sell all company assets and keep the money as well as my personal assets. And give them a summary judgment based on an onslaught of motions by the opposing attorney. I am sure he did not look at the motions and evidence to see that what they did was illegal per corporate law. It also enabled them to pay their legal fees with my money and cause me not to have the money for my own attorneys. I feel the opposing council pressured him into it.

This brings me to my current complaint. With our trial date approaching we acquired new evidence to disclaim the charges by the defendants. I filed a motion on December 6, 2008 for summary judgment and to dismiss the case. However this motion was not read or acted on by Judge [redacted]. The evidence submitted was overwhelming against the defendants, but it was not even looked at. Since I was pro per and our money was lost we were having trouble with our money and were in foreclosure and behind on all our bills. We were in a panic situation and could not afford an attorney to go to court with us. We searched all options and with all the problems were forced to file bankruptcy on our own without representation. We had to do this the day before the trial and I knew that without being treated fairly or with the Judges every looking at many of our motions and evidence we would have been in further trouble. We are in a seasonal business and we were in distress.

To say the least Judge [redacted] was furious at this and lambasted us in court for thinking we did this to delay the trial, without due regard of the real reason. He may my wife and I feel like the lowest people on the earth.

After a few weeks we found out that the Bankruptcy was dismissed since the paperwork was not done properly. We tried to secure an attorney but the cost was very high so we were working on the money to re-file. In the meantime the opposing council as for a status conference and was granted this for January 20, 2009. I was unaware that this was to set a new trial date, but it was.

The opposing council Mr. asked the judge to rule on my summary judgment. Judge ruled against it saying it was in essence a request to reconsider a prior motion that Judge ruled on. I didn't quite understand what he meant till I read it in minute entry. Then I knew he never read the motion or looked at the old motions in this case. We had never filed a motion for summary judgment, and that is why I had released my former attorney's. I always felt this should have done. Now mine was denied by the judge even without reading the motion or looking at the evidence presented. It was bad enough in July 2008 with Judge that he wasn't even aware that we were selling products as a company and didn't read my motions that my partners deleted the sales data so it would look this way.

This is when I realized that I was being treated with bias for filing the BK and that the Judge was following Mr. recommendations and not his own. This is totally against the normal conduct of at judge and should be looked into. Is it fair that he did not ready my motion before the trial so we could have avoided the trial all together? They gave my partners a summary judgment without studying the facts. I feel since I am pro per I was treated without respect and not be given a chance to settle this out of court. How can a motion be denied with a judge looking at it? Is that fair?

I feel Judge should be reprimanded and new judge be put in his place, and all motions be looked at and ruled on fairly without prejudice.

Lots of thing have not gone normally in this case and how it possible for us to get a fair trial, when we were never treated fairly before trial? Why should I be forced into bankruptcy because Judge's have let the opposing attorney let them steal my money and take all I own. All I asked is to be treated fairly by any and all judges as well as the legal system.