

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-270

Complainant: No. 1183910319A

Judge: No. 1183910319B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. After listening to the recording of the complainant's hearing, the commission concluded that the allegations were either unsubstantiated or involved legal issues outside its jurisdiction. The fact that the judge denied several of the complainant's motions does not constitute evidence of bias. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 18, 2009.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on December 18, 2009.

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

October 1, 2009

State of Arizona
 Commission on Judicial Conduct
 1501 W. Washington Street, Ste. 229
 Phoenix, AZ 85007

Re: Complaint against a Judge
 CV2008-

Dear Sir or Madam:

I have sent a number of complaints to your organization in the past and after having my complaints rebuffed, circular filed, and not having been found at least worthy of a "look" at the situation, I have since approached your personnel with disrespect, sarcasm, and hostility. For that I apologize. However, I suffer from terminal quintessential Idealism and, unfortunately, cannot restrain my frustration with the political environment I often find around me, not to mention the blatant corruption. Which brings me to the reason for this current letter: Another complaint?

Although, in the past, I have believed that simply writing the account of my complaint was sufficient, I have learned that if it can be "seen or heard," it becomes more credible. Therefore, I am including with my complaint a CD of two tape recorded events with the Superior Court presiding judge, _____ and defense attorney _____. I am also including with my complaint documentation of questionable, if not extremely prejudicial, biased, and one-sided, rulings in this case, of which I am the "Plaintiff."

I am beginning the "details" of my complaint with what I believe to be the most important issue: One three occasions, and on three separate pleadings, filed with the _____ Superior Court, I have exercised my Constitutional Right to a jury trial. I have made this demand *KNOWN* to all parties, as required by AZ.R.C.P. 38(b)(c). In addition, I have filed two "Motion to Set and Certificate of Readiness, pursuant to AZ.R.C.P. 38.1. Defense atty has objected to *ALL* of my demands for a jury trial and *ALL* of those objections, and Motions to Strike, have been granted.

The subject matter of this lawsuit is centered on, initially, a Quiet Title Action. Defendants filed a counterclaim, for libel, ten months *after* they alleged the so-called libel began. Additionally, the judge permitted the defense attorney to file this counterclaim on behalf of an individual that had been dead for over three months, violating my Sixth Amendment Right to confront my accuser.

Pursuant to A.R.S. § 14-3110, "Every cause of action, *except* a cause of action for damages for breach of promise to marry, seduction, *libel*, *slander*, separate maintenance, alimony, loss of

consortium or *invasion of the right of privacy*, shall survive the death of the person entitled thereto or liable therefor, and may be asserted by or against the personal representative of such person, *provided that upon the death of the person injured, damages for pain and suffering of such injured person shall not be allowed.*" This counterclaim should not have been allowed to proceed.

Additional pleadings have been filed, by the defense attorney, similar to the above referenced A.R.S., which have been permitted and granted by the judge, i.e., the defense attorney believed she needed to have access to the contents of my private Trust documents, to "Establish my ownership of my property," subsequently filing a Motion for an Order to Compel me to hand them over. Most interesting is that she had never requested the documents, in any pleading, and never stated what *specific* documents she wanted. I, in turn, filed a Motion for a Protective Order for these private and, irrelevant to the case, documents; "**DENIED!**" In fact, 99% of the total Motions I have filed have been denied or simply ignored, with no response from the Court. On the other hand, the defense attorney has been graced with "granted" for all of her Motions, no matter how inappropriate, or what law it violates. I have not included those motions with this correspondence due to the sheer volume of the Motions I have filed, in an attempt to have "equal access to the Court," and the free exercise of my Constitutional Rights.

The most recent event occurred during a Telephonic Status Conference, held on September 18, 2009, at 1:00 PM. As you will "hear" on the recording of this proceeding, the judge and the defense attorney barely acknowledge my presence, or, that I have even the remotest part in this case. When I was given the opportunity to speak, I was disconnected from the conference call!! It will be said that the "Phones went down," however, the judge and the defense attorney were not disconnected, as evidenced by the call I received stating that, "**They** set oral arguments for November 10, 2009, at 3:00 PM." Neither the judge, the clerk, the defense attorney, nor any other individual attempted to reconnect with me. I was effectively denied access to this Status Conference. I have been denied copies of Orders and/or Minute entries entered by the judge and clerk of the court, as can be heard on the tape recording, i.e., voicing of my concerns about not receiving these documents. The judge stated she would have the "missing" documents sent to me "again." However, I have yet to receive anything from the Court.

The defense attorney has not been required, or expected to, adhere to the Arizona Rules of Court/Civil Procedure, and, I have been ultimately barred from any requests or activities dealing with Rules of Discovery. All Motions having to do with demands for production of documents, or other discovery materials, have been denied, while at the same time the Court issues Orders for me to produce "Privileged" information, and other Discovery, to the defense attorney.

The Court has permitted a serious conflict of interest to exist, i.e., defense attorney's law firm is contracted to represent the _____ whose town officials have a phenomenal interest in the outcome of this lawsuit, expect to benefit greatly, and, at the same time, represent the defendants, private citizens of the _____

Additionally, I filed a "Motion for Summary Judgment, Oral Argument Requested," as did the defense attorney for defendants' counterclaim. The "Request" by the defense attorney has been granted for November 10, 2009, at 3:00 PM, with each party, me and the defense attorney being

allocated one hour each. My "Request for Oral Argument" was denied, by virtue of it being ignored and/or never addressed by the Court. The point of this complaint would be that the court closes at 4:30 PM. It would appear that it is expected that only *ONE* of the parties, invited to this event, will actually be allowed the professed hour.

It is my belief that this Court, and the judge is extremely prejudiced and biased against me. personally, and is using her position to extract revenge and retaliation on behalf of the officials, who have voiced their anger over a book I published in 2008, and have stated, on national television, that they intend to file a libel suit against me for writing a book. Interestingly, but not coincidentally, 19 days after these officials made this statement, the defense attorney filed defendants' counterclaim for libel. The "story" aired on Phoenix Channel 12 on at On April 8, 2009, defense attorney filed the counterclaim in the Superior Court.

Although, I have behaved in a manner that would elicit assistance from your organization, I believe that your purpose is to monitor activities that I am complaining about. I sincerely hope that my past behavior, and attitude, will not be the motivating force that determines how you handle my complaint.

Thank you for your time and attention to my concerns.

Regards,