

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-324

Complainant: No. 1349510816A

Judge: No. 1349510816B

ORDER

The complainant alleged that the judge was abusive and demonstrated bias against women during a series of hearings for injunctions against harassment. After reviewing the allegations and listening to recordings of the hearings, the commission found no evidence of ethical misconduct on the part of the judge. The fact that the judge allocated attorney fees to the complainant does not constitute evidence of bias. Therefore, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: February 26, 2010.

FOR THE COMMISSION

\s\ Keith Stott _____
Executive Director

Copies of this order were mailed to the complainant and the judge on February 26, 2010.

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

DEC 01 2009

November 25, 2009

CONFIDENTIAL

State of Arizona
Commission of Judicial Conduct
1501 W Washington St., Suite 229
Phoenix, AZ 85007

Your Honors:

I am writing to complain about

- the blatant gender and socioeconomic bias
- ex parte communications with attorney, witness, his partner, OVPD
- alleged financial benefit

of **Honorable** _____, **Pro Temps Judge**, in a series of Injunctions against Harassment hearings held on 1/21/09, 1/29/09, 2/2/09, 2/6/09, 2/12/09 in _____ County Consolidated Justice Court in _____, AZ in which I was one of three Petitioners. Two were women and one was a man.

The appeals, submitted on June 24, 2009 are still in progress in Superior Court under one consolidated case number: **C2009**
These cases had three different sets of numbers.

"Equal justice under law" is Superior Court's purported goal.

Enclosed is my informal study of 29 judges over a period of four years and summary comments about their behavior. In addition to the Judges I've appeared before, I documented observations of cases in which I had no personal connection before contacting you. I've tried to be as objective as possible. For roughly eighteen of the cases another person was with me observing.

Never did I/we observe any judges act so abusively to litigants. With two exceptions all showed respect, politeness and patience. One judge bent over backwards to accommodate an unrepresented woman whose husband had a high powered attorney. Judges in the four criminal proceedings listened attentively for hours, never interrupting the flow of the testimony, speaking only to respond to objections.

Attached are parts of an appeal that I filed that document which rules of the Judicial Codes he swore to uphold which, in my opinion, were violated. Judicial Code of Conduct Canon 2 Rule 2.2, 2.3 provides for impartial, fair, unbiased treatment of all parties in a case. Arizona's Constitution provides a Victims' Bill of Rights Article 9sec 2.1(A)(1) which reads "victims should be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the legal process." (Note: CD followed by a number refers to the transcript from Justice Court.)

Fact: One of the Plaintiffs is male. Judge treated him collegially, with humor, sometimes kindly clearly demonstrating his bias towards both females who were pro se litigants.

As a female, 65 year old pro se litigant, blind in one eye, recently divorced, a single parent living on a fixed income supporting a daughter who just lost her job, I allege this Judge abused, harassed, disparaged, frustrated, reviled, provoked malevolently, yelled at and publicly humiliated me. Judge abuses skillfully and subtly in demeanor and tone, not with street type vulgarity. This experience gives new meaning to the expression "abuse of judicial discretion."

What gives dramatic clarity to his treatment, is the amount of attorney's fees he assigned me. , a married couple, were assigned \$1K each, while Judge assigned me \$6K, six times what each of the other Petitioners received. He wrote "she can afford the fee" without any proof of my financial resources.

Violation of Code of Judicial Conduct 2.4C, 2.9A 1.2

While Judge does not say the source of his thinking that "she can afford the fee", it resonates Mr. : utterly unproven allegations(hearing, Superior 3/20/09) that I have "stashed" the funds. He corroborates in request to "teach her a lesson" in his request for attorney's fees. Does Arizona law further punish crime victims by awarding attorney's fees?

We, three plaintiffs, are crime victims(AZ Constitution Art. 9Sec 2.1C)in "good faith" seeking relief from the harassment, vandalism and stalking of our neighbors. There are demonstrable violations of legal statutes. (CJC Canon 1.1)We are not of "evil intent". We have documented harassment and vandalism for three consecutive years. If

you are reading our local papers, the Police Department receives very mixed reviews about their service delivery from the community despite their published low crime rate.

Judge ex parte communications with partner and family are reflected in the testimony as follows:

-Judge stated, "I know your ex-husband is driving you nuts." How did he know that? No mention of DV, his threats to kill Plaintiff, nor his two dead wives, nor the ongoing violations of the 500' foot restraining orders was contained anywhere within the Injunction Petition.

-Judge "led" to describe the Interrogatories as inappropriate so that he could deny the request for them. There had to be prior communication about this as it came up in the first hearing. NB. He did not "hear" Plaintiff on this matter.

-Judge acknowledges to that he searched the record and did not find the events for the Injunctions, suggesting they had discussed this previously.

-Feb 6, 2009 a week before all the testimony was heard, Judge allows to throw, yes, throw the request for his Attorney's fees on the Plaintiff's table, suggesting he already knew the Judge's decision. and/or convinced the Judge without any proof that this Plaintiff had significant resources. Fact: Plaintiff qualifies for Chapter 7 bankruptcy.

and Judge are neighbors.

and family

sister/husband are informal resident managers of Estates, a small subdivision of 120 houses. Fourteen days before signing his decision, the Judge, his wife of record and a single woman, purchased a townhome there. As of 11/25/09 the telephone at this address is listed to

Mapquest estimates the distance between the two addresses as 0.12 miles. Clearly they are neighbors and were so before the judgment.

Financial benefit???

violates the Court Order to not discuss their testimony outside of court. Two witnesses alert the Court. Judge delays hearing them about this until the final day. Judge dismisses testimony and then incorporates it when he writes the Judgment, negating his own motion to strike.

-Judge minimizes slanderous attack in the Court hallway on Plaintiff saying, "He and Plaintiff have issues."

female partner and Police share the same denomination which may also be the Judge's.

The Defendants are:

Their Attorney is:

Others:

Co-Petitioners:

Witnesses:

I affirm, under penalty of perjury, that the foregoing information and allegations contained in this attached complaint are true.

Pro se litigant /

Enclosures:

1. Informal Study of Tucson Judges-
2. Appeal of Judgment and Attorney's Fees filed on 6/24/09
3. Copy of Injunction Petitions and Plaintiff's events
4. Judge's oath of 8/8/08 to uphold AZ Code of Judicial Conduct
5. Deed of Trust of Estates town home dated 3/20/09.
6. Joint Tenancy Deed dated March 24, 2009.
7. Online telephone search documenting as residing within household.
8. and address listed in whitepages.com. is sister.
9. First page of Request for fees dated Feb. 6, 2009 with "should be awarded both as a sanction and as a deterrent to future filings."
10. Quotations from legal authorities for reader's convenience.