

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-335

Complainant: No. 1380410303A

Judge: No. 1380410303B

ORDER

An attorney and his client alleged that a court commissioner was biased, exhibited poor courtroom demeanor, and favored judicial efficiency over due process rights. After reviewing the allegations, the commissioner's response, and the recording of the hearing, the commission decided to dismiss the case with an advisory letter cautioning the judge to be mindful of her obligation to comply with the requirement of Rule 2.8 of the Code of Judicial Conduct. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: June 16, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Commission Chair

Copies of this order were mailed to the complainant and the judge on June 16, 2010.

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

TO WHOM IT MAY CONCERN:

MY NAME IS _____ I AM WRITING THIS LETTER TO TRY TO
BRING A JUDICIARY EXAMINATION OF COMMISSION _____ ACTIONS.

ON 12/03/09 I HAD THE MISFORTUNE TO APPEAR IN HER COURTROOM. I ARRIVED WITHOUT COUNCIL ON A WHIM, I APPROACHED THE LAWYER WITH THE CASE IN FROM OF MINE. THAT LAWYER DID NOT SPEAK OR LOOK AT ME UNTIL I APPROACHED HIM AND TAPPED HIM ON HIS SHOULDER TO GET HIS ATTENTION BECAUSE HE WAS WITH HIS BACK TO ME.

WHEN MY CASE CAME UP THE PLAINTIFFS LAWYER ACCUSED MY LAWYER OF SOLICITING , THE JUDGE JUMPED ON THE PLAINTIFFS LAWYERS BANDWAGON AND PROCEEDED BADGERING AND BERATING MY LAWYER. THE CASE HAD BEEN PUT OF UNTIL OF UNTIL THE NEXT DAY BECAUSE MY LAWYER HAD A CASE IN COTTONWOOD THAT DAY.

THE NEXT DAY THE COMMISSIONER _____ STARTED OUT BY BADGERING MY LAWYER ABOUT WHO HIS CLIENT WAS ME MY SON SHE WAS ACTING VERY CONTEMPTFUL AND WITH A HATEFUL DEMEANOR, HER TONE OF VOICE AND HER FACIAL EXPRESSIONS TOWARDS MY LAWYER AND LATER TOWARDS ME. ON THE OTHER HAND SHE AFFORDED EVERY PROFESSIONAL COURTESY TO THE OPPOSING COUNCIL.

LATER ON IN CONTINUATION SHE WAS PRACTICALLY DOING THE PLAINTIFFS LAWYERS JOB BY ARGUING ON HIS SIDE TO PRESENT A HERE SAY AS EVIDENCE. THIS PERSON (COMM. _____) NEEDS A LESSON IN CODE OF CONDUCT.

I AM NOT A LAWYER BUT EVEN I HAVE A CONCEPT OF A JUDICIAL SYSTEM, THE OBJECTIVE AND DUTY OF A PERSON IN HER POSITION SHOULD BE THAT THE LETTER OF THE LAW (DUE PROCESS) IS APPLIED PROPERLY AND ALSO BE IMPARTIAL AND FAIR BEYOND REPROACH. IN MY CASE SHE DEMONSTRATED EXACTLY NOTHING BUT THE OPPOSITE SHE ACTED LIKE DU PROCESS IS IMPRACTICAL OR AN INCONVENIENCE FOR HER.

I HOPE SOMEBODY WILL GRANT SOME ATTENTION TO MY COMPLAINT, GOD KNOWS HOW MAY PEOPLE SHE RAILROADED WITH HER INTERPRETATION OF THE LAW.

THANK YOU,

CJC 09-335

COMPLAINT AGAINST A JUDGE

Your name: Douglas C. Rando Judge's name: Comm. Hammer Date: 12/7/09

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.

ON DECEMBER 3, 2009 AT 9:30 AM I FILED A NOTICE OF SPECIAL APPEARANCE ON BEHALF OF LOUIS IZZO MY CLIENT IN COMM. HAMMERS FERCIBLE DETAINER COURT CASE CV 2009-032421.

I HAD PREVIOUSLY APPEARED BEFORE COMM. HAMMER IN THE CASE OF VELVIA HINES CV 2009-02783 WHICH IS STILL PENDING. IN THAT MATTER THE COMMISSIONER ORDERED PLAINTIFF'S PROCESS SERVER TO CHANGE HIS FRAUDULENT AFFIDAVIT FROM AUG 1, 2009 TO SEPT, 2009 WITHOUT TAKING ANY TESTIMONY AND DISREGARD TO FURTHER EVIDENCE OF LACK OF PERSONAL SERVICE AND POSTING THE COMPLAINT ON THE DOOR IN VIOLATION OF AREA 5 F REQUIRING PERSONAL SERVICE PURSUANT TO ARCP 4.1 AND SAID THE ISSUE WAS WAIVED BECAUSE DEFENDANT WAS PRESENT IN THE COURTROOM.

THE IZZO MATTER WAS CALLED FIRST IN ORDERANCE TO PLAINTIFF'S COUNSEL AND I FILED MY SPECIAL APPEARANCE AND COMM. HAMMER RULED THAT POST & MAILE TO THE HOUSE WAS SUFFICIENT AND SEEMED PRETURBED MY CLIENT WAS NOT PRESENT. EXPECTING THE RESULT I FILED MY NOTICE OF APPEARENCE JENTERED A NOT GUILTY PLEA AND FILED A WRITTEN MOTION TO STAY THE MATTER PENDING PLAINTIFFS DISCLOSURE.

APPARENTLY THE VAST MAJORITY OF FERCIBLE DETAINER ACTOS ARE UNCONTESTED BECAUSE OF LACK OF PERSONAL SERVICE AND LACK OF KNOWLEDGE OF DEFENDANT'S RIGHTS OR LACK OF

CJC 09-335

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FINANCIAL RESOURCES TO RETAIN COUNSEL. PRIOR TO THE HEARING I TOLD SOME OF THE DEFENDANTS PRESENT THEY HAD A RIGHT TO PERSONAL SERVICE AND A JURY TRIAL IF THEY ASSERT IT OTHERWISE THE ISSUES ARE WAIVED AFTER THE INITIAL APPEARANCE.

RICK SHERMAN AN EVICTION ATTORNEY TOOK OFFENSE AND ACCUSED ME OF SOLICITING. I TOLD HIM I WAS EDUCATING PEOPLE OF THEIR RIGHTS.

AN ELDERLY GENTLEMAN CAME UP TO ME AND TAPPED ME ON THE SHOULDER AND ASKED TO SPEAK TO ME. WE WENT OUTSIDE AND HE SAID HE WAS NOT SERVED AND HAD A SUBPRIME AURORA LOAN SERVICES MERS LOAN AND WAS FEARFUL OF BEING THROWN OUT OF HIS HOME OVER THE HOLIDAYS. I WENT BACK IN AND GOT SOME PAPER WROTE A REPRESENTATION AGREEMENT AND GOT A SMALL CHECK. HE STAYED OUTSIDE WHILE I ANSWERED HIS COSS AND ENTERED A SPECIAL APPEARANCE TO CONTEST THE LACK OF PERSONAL SERVICE. AS IT TURNED OUT, RICK SHERMAN WAS PLAINTIFF AURORA LOAN'S COUNSEL.

HE TOLD COMM. HAMMER THAT I WAS SOLICITING IN THE COURTROOM AND THAT I TOLD EVERYONE TO CONTEST SERVICE AND REQUEST A JURY TRIAL. THE COMMISSIONER WAS VISIBLY ANGRY AND ACCUSED ME OF UNETHICAL CONDUCT AND MENTIONED THE BAR DECIDING THE MATTER. IT TURNED OUT THAT MR. SHERMAN FILED TWO COSES AGAINST MY CLIENT AND AN ANSWER WAS FILED ON ONE. HE MADE A VERBAL MOTION

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FOR ALTERNATIVE SERVICE AND THERE WERE NO SERVICE AFFIDAVITS IN THE COURT FILES THE MOTION WAS GRANTED BY COMM. HAMMER. THEN SHE NOTICED AN ANSWER HAD BEEN FILED IN ONE CASE AND GAVE A COPY TO MR. SHERMAN TO REVIEW. COMM. HAMMER SAID WE WERE TAKING TOO MUCH TIME AND MOVED THE MATTER TO THE END OF THE CALENDAR. I TOLD THE COMMISSIONER I HAD TO GET TO A HEARING IN YAVAPAI COUNTY AND COULD NOT STAY.

MR. BALOGH, HIS SICK WIFE AND SON REMAINED. MR. BALOGH IS A HUNGARIAN IMMIGRANT AND HAD HIS SON SPEAK ON HIS BEHALF. APPARENTLY, COMM. HAMMER ENTERED A DEFAULT IN ONE CASE AND SET THE OTHER FOR HEARING THE NEXT DAY AT 2:00 PM. I RECEIVED A CALL FROM MR. BALOGH IN A PANIC HE DID NOT UNDERSTAND WHAT HAD HAPPENED AND WAS AFRAID. HE FELT HE AND HIS SON HAD BEEN TREATED UNFAIRLY.

WE APPEARED AT 2:00 PM AFTER RUSHING BACK FROM SEDONA. MR. SHERMAN WAS ALLOWED TO APPEAR TELEPHONICALLY. I TRIED TO ASCERTAIN WHAT HAD HAPPENED THE DAY BEFORE AND MOVED TO SET ASIDE THE DEFAULT WHICH WAS DENIED. I POINTED OUT THAT I WAS THERE AS WELL AS MR. BALOGH'S SON. I TOLD HER I WAS TROUBLED BY THE HEARING THE PREVIOUS DAY AND THAT IT REQUIRED THAT I MAKE THIS REPORT. I REQUESTED SHE RECUSE HERSELF AND SHE REFUSED. I TOLD HER I WAS

COMPLAINT AGAINST A JUDGE

Your name: Douglas C. Richards Judge's name: Comm. Hamner Date: 12/7/09

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CONCERNED THAT HER APPARENT DISLIKE OF ME PERSONALLY
WOULD AFFECT HOW SHE MIGHT RULZ ON MY CLIENTS. MR.
Balogh TRIED TO CLARIFY THAT I DID NOT IN FACT SOLICIT
HIM, BUT HE APPROACHED ME FOR HELP.

DESPITE NUMEROUS ISSUES OF FACT REGARDING
FORGED DOCUMENTS AND UNRECORDED ASSIGNMENTS
THE DEFENDANT'S REQUEST FOR A JURY TRIAL WAS
DENIED. COMM. HAMNER WAS GOING TO EXCLUDE
A DEFENSE BANKING EXPERT WITNESS, BUT WILL
PROBABLY LIMIT HIS TESTIMONY.

I UNDERSTAND THE DESIRE FOR JUDICIAL EFFICIENCY,
BUT AT WHAT COST. I HAVE YET TO HEAR OF A
DISMISSAL OR A JURY TRIAL IN COMM. HAMNER'S
FORCIBLE DETAINER COURT. MY GREATEST CONCERN IS
THAT COMM. HAMNER'S DISTASTE FOR ME PERSONALLY
MIGHT PREJUDICE MY CLIENTS HOMES. MR. BALOGH
BELIEVES SHE IS BIASED AND IS FEARFUL OF BEING
THROWN OUT OF HIS HOME OVER THE HOLIDAYS.

PLEASE REVIEW THE TAPES OF THE HEARINGS AND
TAKE APPROPRIATE ACTION. REAL PEOPLE ARE BEING
THROWN OUT OF THEIR HOMES AND THEIR FEW
STATUTORY RIGHTS IN A FORCIBLE ACTION ARE
BEING DISREGARDED. THANK YOU FOR YOUR
CONSIDERATION AND INVESTIGATION INTO THIS
MATTER.