

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-043

Complainant: No. 1386310598A

Judge: No. 1386310598B

ORDER

The complainant alleged a superior court judge was biased and issued erroneous rulings. The commission reviewed the complaint and found no evidence of bias or a pattern of rulings that would constitute misconduct or proof that the judge disregarded the law. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: April 20, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on April 20, 2010.

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

Attachment, Page 1

On October 20, 2009, I filed a Lis Pendens and Complaint with the Arizona Superior Court Northeast and was assigned Case Number CV2009.

The Honorable Judge _____ was assigned my case and I believe he was working diligently.

On January 6, 2010, I noticed from the Civil Court Case Information – Case File site on the internet that my case was now assigned to Judge _____

While searching the Civil Court Case Information – Case File site once again, checking to see why I had received no response from my Emergency Temporary Restraining Order and Preliminary Injunction filed on January 14, 2010, I noticed that on Docket Date 1/25/2010, it showed that my Case was Dismissed – Full.

I went to the Superior Court on January 25, 2010, to see if I could obtain a copy of the documentation explaining how and why my case was dismissed.

While waiting in line to speak to a clerk, I was speaking to a social worker that handles family aid cases. I was asking her how a judge pro tem just arbitrarily dismisses a case while the other Judge is out ill. She asked me the judge's name and I told her it was _____. She responded that he (_____) used to be an attorney and doesn't like to deal with and has no respect for an individual handling their own case. She said it is a nightmare any time she goes before him.

When before the clerk, I asked why my Temporary Restraining Order was not showing up on the Docket. The clerk explained that they were behind and that there was a Holiday weekend to deal with also. When I asked who _____ was and how it came to be that he dismissed my case they responded that "Judge Holt had been out sick for 4 or 5 days and that Judge _____ was handling her cases during her absence".

I feel that if my case file had not been transferred from Judge _____, I would have received a fair trial. As it is, I have been dismissed and received a Minute Entry from Judge Pro Tem _____ wherein he hardly addressed only one of the Defendant's issues and has ordered denying the motions for judgment on all of the other Defendants.

He also, in this Minute Entry, ordered that my Motion for Emergency Temporary Restraining Order and Preliminary Injunction (see attached) was denied, the motion as moot based upon the foregoing orders as set forth in the Minute Entry. (See Attached Minute Entry dated (01/21/2010).

Attachment, Page 2

Mr. appearance of bias toward unrepresented litigants is palpable, not only by me, but from others in the legal profession. My substantive right of access to justice has been effectively barred. I am asking that he be disciplined to correct his miscreant behavior such that others similarly situated do not have to face the same conduct.