

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-089

Complainant:	No. 1389710331A
Judge:	No. 1389710331B

ORDER

The complainant alleged that a superior court judge demonstrated bias by failing to provide any basis for his decisions. After analyzing the allegations and the response from the judge, the commission found no evidence of ethical misconduct on the part of the judge. As a general rule, trial judges are not required to explain the basis for every decision or to make specific findings of fact. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: July 23, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on July 23, 2010.

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

COMPLAINT AGAINST A JUDGE

This statement is being provided to support my complaint filed against Hon. Trial Judge, Division 4, Arizona Superior Court in Pima County with reference to an active case

I site the PREAMBLE of the ARIZONA CODE OF JUDICIAL CONDUCT which states "that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law." It goes on to say that "the canons and sections are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances."

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 1.1
Compliance with the Law.

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 1.2
Promoting Confidence in the Judiciary.

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 2.2
Impartiality.

I believe that Judge acted contrary to the Code of Judicial Conduct Rule 2.6
Ensuring the Right to Be Heard.

Rule 1.1 - To ensure impartiality and fairness to all parties, a judge must be objective and open-minded. A judge is to interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. I believe that Judge improperly analyzed Mansour v. Cal-Western Reconveyance Corp., 618 F.Supp.2d 1178 (D.Ariz.,2009), Arizona statutes, in particular §47-3301 and §47-3302, and the evaluation of the facts presented to him. He erred in both facts and law.

Rule 1.2 - I understand that an error of fact or misinterpretation of the law may occur occasionally but I feel that Judge has been bias and one-sided in his behavior, creating an aspect of disrespect toward the judiciary through neglect of the truth. Judge has denied my motions without giving any explanations as to how he analyzed the facts and laws to reach his decisions. As a result I filed a *Motion to Explain Ruling*. Under Arizona law, Defendants ReconTrust Corporation and BAC Home Loans Servicing are required to prove their entitlement to foreclose. Judge abused his discretion by willfully ignoring the evidence and arguments presented to justify his ruling against me.

Rule 2.2 – Judge is to uphold and apply the law fairly and impartially without regard to his approval or disapproval of the law in question. In the early stages of this case, I filed an appeal to a ruling by Judge and he has since been one-sided with his decisions. I have

filed numerous Motions, as well as a *Notice of Objections* and a *Motion to take Judicial Notice*, but his rulings simply say DENIED without explanation as to how he arrived at his decision.

Rule 2.6 – It is my Constitutional right to be heard in court and to expect a fair and impartial system of justice to review the facts, apply the law and render a decision. A pro se litigant standing up to a Corporate entity does not automatically mean that the Corporation will win based on what is ‘preceived’ to be true. Bank of America may be too big to fail but they are not too big to be above the law and they should be held accountable for their actions fueled by their financial greed.

Respectfully submitted this 7th day of April, 2010