

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-269

Complainant: No. 1137200583A

Judge: No. 1137200583B

ORDER

The complainant alleged that a hearing officer issued a ruling that was inconsistent with what he represented during a hearing regarding her status as a defendant. She further claimed an administrative justice of the peace failed to help her. After analyzing the allegations, the hearing officer's response, and the recording of the hearing, the commission dismissed the complaint as to the administrative justice of the peace and issued an advisory letter to the hearing officer regarding decorum in the courtroom and the right to be heard. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 18, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on March 18, 2011.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2010-269

COMPLAINT AGAINST A JUDGE - Hearing Officer

Your name: _____

Judge's name: _____

Date: 10/15/10

Instructions: Use this form or plain paper of the same size to file a complaint. Attach additional pages, as needed. Please describe in your own words what the judge said or did that you believe constitutes judicial misconduct. To help us understand your concern, be specific and list all of the names, dates, times and places where the conduct occurred. Include only copies of original documents or court recordings that are relevant to your allegations. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

I was present during the proceeding on 7/19/10. At the beginning of defendant testimony, I requested to be removed from the case as I had nothing to do with it. The hearing officer said I was not listed on his paperwork. My husband & the plaintiff told the hearing officer I was listed on the court case. The hearing officer said it was irrelevant, I was not on his paperwork and would not address it. I disagreed with him as I believe I have to report certain types of court cases to my state licenses and he agreed to address it. After all the defendant & plaintiff testimony was complete and the hearing officer had his ruling, I again raised my hand stated the defendant never mentioned me through all of his testimony and requested to be removed from the case. At that time the hearing officer said he couldn't do this, but I could go up front and maybe they could do it. I then said "but you can put it in the order can't you?" His response was "I can say you have no relation to the cause". We were then handed a piece of paper and told to go to the window at the front. When we went to the front, we asked how we would know I was removed from the case and were told the hearing officer would write it down & we would receive something in the mail.

(contd)

(Attach additional sheets as needed)

2010-269

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The next thing I received in the mail was a demand for payment from the plaintiff. I contacted the Court Manager, Jane. She notified me the proceedings are video taped, a copy is \$24- and the hearing officer said he would not remove me. She was letting me know to prevent me from wasting my \$ she said. I purchased a copy anyway & told her I was there and she wasn't. I watched the recording and contacted Judge _____ who in turn requested the hearing officer to review the proceedings. I received a message from Judge _____ the hearing officer stands by his decision as this is a community property state! That came as a surprise as that is nowhere mentioned during the proceedings when I requested 2x to be removed and am being told I can be listed as "no relation to the cause"

2009 Code of Conduct Violations:

2.5.4

2.6 (A)

2.12 (C)