

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-311

Complainant: No. 1405810734A

Judge: No. 1405810734B

ORDER

The complainant alleged that a superior court commissioner granted an injunction against him because of gender bias. The commission reviewed the matter and found no evidence of ethical misconduct on the part of the commissioner. The fact that the commissioner ruled against the complainant does not establish gender bias. Allegations that involve court rulings can only be addressed through an appeal. The commission is not a court and cannot change court decisions. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on January 24, 2011.

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

To:
Commission on Judicial Conduct
1501 W. Washington St.
Suite 229
Phoenix, AZ., 85007
Attn: Barbara Wanlass

December 4, 2010

DEC 07 2010

Case No. 10-311
Procedural Incompetence, Sexually Biased and Misconduct
Commissioner

Commission Members,

After receiving the second letter confirming the receipt of my first letter, I realized that you do not determine the outcome of a case based on an appeal which most of my information has been focused on up to this time. I will now address the charges that I am bringing against Ms. _____ and the rationale behind them.

Charge:

1. Ms. _____ is extremely biased against men in performing her judicial duties.

Rational - 1

In her role as commissioner, and her previous legal background, she has officiated over cases of men abusing women. This is not unusual considering today's society and violence directed to women. But there are also women who would falsely accuse men of wrong doing for revenge or other motives. This is the type situation that occurred in my case. The plaintiff got tired of me requesting information that I had a right to receive regarding a malpractice claim and for my picketing their business causing the potential loss of patients and their income.

In her past decision making process, Ms. _____ seldom found in favor of the defendant (men), but when she did, it has come back to haunt her. Her rulings in these cases have resulted in the defendant causing serious injury and possibly even death to the plaintiff. This type of resulting action must weigh heavily upon her mind and conscience. However, it has also clouded her judgment and she can no longer see the truth that is very evident as in my case and possibly the cases of others. She is now using a 'blanket' decision making approach to ensure that her decisions will never again lead to a women's injury or death even if it is at the expense of the innocent.

There are other possible events in Ms. _____ life that would make her biased against men. It could be a father, uncle, brother or other relative that sexually molested her as a young girl. Or perhaps it was a boy friend, husband or stranger that abused her physically, mentally and emotionally and seriously harmed her; perhaps she is or was the victim of domestic violence or rape as an adult. These types of hideous crimes occur more often than we care to acknowledge and have devastating long term results on a woman. And then it might be a sexual preference as a homosexual woman now seeking the company of women over men; this is common in sexually abused women. Whatever the case may be, it is obvious that she prefers to render a judgment on behalf of women and not based on truth and justice.

Charge:

2. Ms. _____ does not thoroughly analyze or investigate the case materials.

Rational – 2

Ms. _____ did not provide adequate directions or allow enough time for the hearing which could not have been conducted in an unbiased manner. At the first hearing, which was postponed, Ms. _____ told us that there was 15 minutes to present our case. When the day of the hearing arrived then it was only 10 minutes (this information can be verified in the recordings of the hearings.) The guidelines were not pre-established to allow the parties to properly prepare for the hearing. This is something that the Court should have published long ago to help those that are defending themselves without an attorney. I developed a series of questions for the plaintiff to reply to during fact finding but was not able to do so due to time constraints and procedural differences between a trial setting which I anticipated it to be. The court must allow enough time so that the truth can be revealed.

Ms. _____ conclusion to uphold the injunction is totally without basis. My two letters to the Commission on 11/17/2010 and 11/26/2010 will substantiate these facts. At one point in the hearing she made the comment that I was threatening the plaintiff, but this is not the case, and her comments were before any reply on my part or further discussion or presentation of the remaining exhibits. According to the testimony and exhibits provided at the hearing, the information she used to base her decision is not factual and others are not relevant to the complaint made in the injunction by the plaintiff. She had made up her mind before the end of the hearing to discount what I said and to uphold the injunction.

Charge:

3. Ms. does not follow specifically defined Court procedures.

Rational - 3

Ms. stated on the second page of the Minute Entry "IT IS ORDERED taking this matter under advisement. The matter is deemed submitted this date and the Court will rule by minute entry within 60 days." The Court could not have taken this matter under advisement, by another Judge or authority, if it rendered a decree on the same day and within an hour's time. No other authority or Ms. could have reviewed the audio/video tape or exhibits in such a short period of time to determine judgment in an unbiased manner. The review process should have been given an appropriate amount of time and received advisement in the review process. The Court did not "...carefully consider the testimony of each witness and the admitted exhibits..."

In the Minute Entry, Ms. did not mention the outcome of the Contempt of Court charges against Ms. Zachow for violating the subpoena that was issued to her. I provided evidence to the Court that she was served and verification by the process server. Ms. Zachow admitted in Court that she received the subpoena but did not attend the initial hearing. One can only assume that without an entry then nothing was done about the Contempt of Court charges. This assists in verifying all previous Rational information stated above, that procedures are not being followed and Ms. Zachow received preferential treatment as a woman. Ms. is biased against men; fails to analyze court documents and materials and does not follow specifically defined court procedures.

Summary

Ms. decision to affirm the injunction was based solely on her bias against men.

Ms. does not analyze or investigate the pertinent materials presented in Court.

Ms. did not follow specifically defined Court procedures during this hearing.

Commission Action:

As a result of the supporting information, Ms. is incompetent to continue her functions as a Commissioner and her actions exemplify her inability to be impartial and her misconduct which constitutes misconduct. She must be removed from her duties as a commissioner and the Commission to conduct a review of her hearings to reveal additional inappropriate decisions that have been made by her in the past.

A miscarriage of justice occurred when Ms. found in favor of the plaintiff and not me, the defendant. This gross injustice must be corrected and the following must be done immediately.

1. Apology from Ms. _____ and the Court for her Procedural Incompetence, Sexually Bias and Misconduct.

2. Reversal of the findings of the hearing in favor of me, the defendant.

3. Punishment for the three individuals, Ms. Zachow, Mr. Teranchi and Mr. Rodriquez, for falsely accusing me of wrong doing by charging them with perjury, intimidation and conspiracy and prosecuting them to the fullest extent of the law. 13-2702: Perjury is a class 4 felony, 1 - 3.75 years in jail and \$150,000 fine; 13-1202: Threatening or intimidating is a class 1 misdemeanor, six months in jail and \$2,500 fine; 13-1003: Conspiracy class and fines are unknown at this time but apparently the same as perjury or greater.

4. Ms. _____ needs to be placed on administrative leave for 5 days or more, receive on going retraining in Court procedures and undergo a psychiatric evaluation and professional counseling for her personal and professional problems.

I am interested in what the findings of the Commission will be after having been provided with two letters containing supporting evidence to the hearing and this letter that specifically addresses and substantiates the charges against Ms. _____. I noticed that all but three of the twelve members of the Commission hold judicial positions and half of all members are women. It is difficult for me to believe that the Commission can be unbiased toward the findings against one of their own colleagues. What is your intent and what will you chose; truth and justice or the status quo?

Respectfully,