

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-001

Complainant: No. 1143610598A

Judge: No. 1143610598B

ORDER

The complainant alleged that a superior court commissioner displayed an improper demeanor and improperly dismissed his case because of bias. After reviewing the allegations and listening to the recording of the proceeding, the commission found no evidence of ethical misconduct on the part of the commissioner. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: March 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

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

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

12/03/2010

JAN 03 2011

To Whom It May Concern:

I have been an officer of the Maricopa County Superior Court system for nearly 7 years and I have never been treated so poorly or prejudicially by any judge or commissioner before. I had the extreme misfortune of dealing with a terrible Commissioner on Friday, December 3rd, 2010. His name was _____ I have never heard of him before. It was my understanding that my matter was to be heard by a judge or a different commissioner. Had I known he was going to be presiding, I would have objected long ago. He was quite late, ignorant, extremely rude, obnoxious, unknowledgeable and very unprofessional.

The Defendant in my case failed to appear due to no fault of my own. I requested a default judgment but the Commissioner attempted to reset the hearing instead. As this had been approximately my 4th attempt to have a hearing on this matter, I objected. The commissioner immediately became upset and started asking insulting and degrading rhetorical questions. He refused to review my ex-parte petition for an injunction against harassment and he refused to hear my witness and the evidence that I brought with me as well. I immediately moved verbally for a change of venue, citing cause with the commissioner clearly being biased and, at that exact moment in time, having taken a personal interest in my case.

The commissioner angrily refused to allow me to talk and get all of my objections on the record. HE THEN "changed his mind" regarding a new hearing date and he then dismissed the new hearing date and then, exercising extreme bias, he dismissed my case and very inappropriately called security in to embarrass me. Commissioner _____ dismissed my case even though two other commissioners previously agreed that it should be extended into a full hearing due to the complexity of the many issues involved. There is simply no way that the commissioner could have rendered a verdict as he did not allow ANY evidence to be presented and actually biased my case in a manner in which the ONLY party that was harmed was me. My witness had to take unpaid time off of work and she makes less than \$10/hr to begin with. The accumulation and reproduction of evidence that I brought with me cost me many, many hours and a lot of money to obtain. I never received what the rules of civil procedure dictate that I am entitled to: a default judgment. I have been damaged by the actions of an upset individual that unfortunately wears a robe and works for our judicial system.

A local newspaper then misreported the story and I have been harmed, in more ways than one.

Based upon the above, I ask that you permanently and promptly remove _____ from the bench as he is liable to cost more members of the public a great deal of faith in our court system.

Thank you for your time and consideration,