

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-100

Complainant: No. 1417100444A

Judge: No. 1417100444B

ORDER

The complainant alleged that a hearing officer was biased, rude, and screamed at him during a hearing. After considering the allegations, the hearing officer's response, and the relevant portions of the transcript, the commission found no ethical misconduct on the part of the hearing officer. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: July 20, 2011.

FOR THE COMMISSION

/s/ George Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on July 20, 2011.

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

2011-100
RECEIVED
MAR 23 2011
RWB

March 18, 2011

Chief Justice Berch
Arizona State Court Building
1501 W. Washington
Phoenix, Arizona 85007

Re:

APR 04 2011

Dear Chief Justice Berch:

I am writing you per the request of Governor Jan Brewer regarding the below incident, clear misconduct, that took place on behalf of a Judge during a hearing.

On February 08, 2011 at _____ I was attending a hearing which was supposed to be conducted by _____. I was simply going to be a witness. I am not going to talk about the ongoing hearing because I do not think that is right.

Judge _____ walked into the room down in the basement of _____ where a hearing concerning the _____ was being held. When he walked in I was initially a little bit surprised because of his casual dress in respect to his position. He was dressed more like he was either going to go fishing or possibly mow the lawn. He stated that he did not know exactly how the hearing was suppose to be conducted because it was the first hearing he had ever taken part in concerning the _____. Well, after he and _____ figured out whatever they wanted to figure out they started the hearing. Now, I was sitting in my power wheelchair next to my wife and her attorney at the table. I am 100% disabled and have been since 1993, am on four liters of oxygen and I think you would have to be totally blind not to realize that I have multiple medical problems but nonetheless, and not wanting this to be a long drawn out letter, as the hearing was proceeding and due to the fact that my hearing is not exactly good I was sitting in my chair looking down at the table and trying to concentrate on what was being said when it happened. All of the sudden I hear this screaming "get out get out get out" in a high pitched voice, this sent me into what can best be likened to that of a respiratory arrest and I had extreme pain in my chest and my whole body started shaking. All I could hear was this "get out get out get out" and all I could think is that there was a fire or something. I won't go into details, but I am a Vietnam Veteran and most of my disability is because of that and I do not know for sure but I think I also was reacting like maybe a flashback was happening, but I am not sure. Now, my daughter who was sitting behind me came up and turned my chair on and started telling me to leave the room or something, I do not really recall. I am a severe claustrophobic and God knows it took a lot just for me to get down in that dungeon like hearing room to begin with and to this day I cannot explain to anyone what I was going through but I can only say that it is horrific. Somehow my daughter got me out into the parking area where after about an hour I was able to be about as normal as I can be. Now you might ask if I dial 9-1-1, no, why not, because there is nothing any one could do for me and my doctors will verify that to anyone that wants to ask. I am not blaming Judge _____ for my medical conditions, it is certainly not his fault that I am afflicted with seven diseases that are killing me, there is no cure for them, my attitude is about as positive as anyone can be when I state to you

that all I have to do is turn around and someone else is worse off. What I am saying is for someone who is supposed to be in charge of a hearing to conduct it as such and then to further start screaming like a banshee and yet there is no true emergency, that is just uncalled for. Certainly Judge saw that I was in an electric wheelchair and wearing oxygen. I think that should have been enough for him to realize that there was a handicapped person in the room and I think any reasonable thinking person would know that you don't start screaming, yelling, and making loud noises around handicapped people, you may not know what is wrong with them but you should be at least intelligent enough to know that your actions could kill them and by God Judge could have very well killed me that day because I went through over an hour trying to orientate myself and get my breathing as it is back to normal. My daughter stayed with me, thank God. A couple of the people from the courthouse came up and talked to me, that helped and that is all that can help. It is either you force yourself to recover or you die, it is that simple. Now, after I at least got myself together enough to talk to my daughter she explained that while the hearing was going on told Assistant Attorney General that she saw my daughter pass a note to my wife's attorney, or my wife, or I don't know what she exactly said and further Judge did not see any of this but without question took the word of and Attorney when they told him about it and that is when he went off the deep end and started screaming "get out get out get out". As I look back on this I am obviously not comfortable around the likes of Judge Now, I read his biography seems like he has done a lot of good things for the State of Arizona but I am telling you right now that I don't believe a courtroom or hearing room is a place for a person to start yelling at the top of his voice. I don't know why he did this, maybe he is trying to be another Judge Judy and trying to get a television show. I am not quite sure exactly what I am going to do totally but I know what he did was wrong and unprofessional for a person in his position and it seems to be that a man in his position, if he acts like that, I don't know how he could be a person that would be considered impartial, it would be improper for him to be seated as a judge. Now I am a patriot, I have respect for authority and all in all, I think the Justice System does its best, however, can't you at least agree a little bit that there are some things that go on that just should not happen under any conditions, I don't feel that Judge even gives a damn that he could have killed me that day with his actions and his screaming and from what I have seen in the outcome so far from the hearing he is so dang biased and uninformed he just shouldn't be the person conducting the hearings that he is doing. He needs to be educated, in other words, as to what the is versus what they actually do and maybe he should conduct an investigation of the members of that Board, especially this who seems to be the one who dictates to everybody.

I am going to end this letter now and I do have to say this, my wife has been preparing papers for people since 1991 and she has never done anything wrong, knowingly, in her whole life. Her ethical standards are so high that I dare say you would have to search high and wide to find another person with her standards and I know personally that is what does not like about my wife. At one time, in 2003 they were almost friends, but when my wife found out that was a convicted felon she found it hard to associate with her and did not like that. Again, check out what took place, it is the truth and I ask that you not only talk to Judge about his conduct, but further investigate the as to the conduct of the people running it. My wife and I feel that the Preparers established in 2003 was a step forward, it is not the Supreme Courts fault, but a couple

of rotten eggs got into the system and I am personally sick and tired of hearing state that she is immune to prosecution in the Courts. I know they need a little protection, but by God my investigation has shown that she can even get out of a traffic ticket and I don't believe that is what the Supreme Court intended it to be.

I know you are all Judge and as far as I know Judge might be one of your best friends, but that does not mean that what he did is right and I still have faith that the Supreme Court of the State, like the Supreme Court of the United States, cannot and will not let their reputation be tarnished nor let their thinking of what is right and wrong be slanted by something as simple as friendship.