

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-243

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Complainant: No. 1427810463A

Judge: No. 1427810463B

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**ORDER**

The complainant alleged that a superior court judge was disdainful toward him, would not allow him to present his case, and demonstrated bias in favor of the opposing party because she previously represented corporations and socialized with defense counsel.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant and the recording of the proceeding held on June 6, 2011, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The judge did not at any time exhibit bias or make improper statements. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: December 19, 2011.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on December 19, 2011.

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

## Judicial Complaint Statement:

1. The Arizona Supreme Court states <http://www.supreme.state.az.us/rules/> Rule 81. Arizona Code of Judicial Conduct:

Canon 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary

Canon 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

Canon 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

Canon 4. A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict With Judicial Obligations

Canon 5. A Judge or Judicial Candidate Shall Refrain From Inappropriate Political Activity

In particular: Canon 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently - B. Adjudicative Responsibilities:

(4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

(8) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

E. Disqualification. (1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of disputed evidentiary facts concerning the proceeding;

2. Judge \_\_\_\_\_ would not let me argue my position. ( In particular, invasion of privacy concerning medical issues . The judge would not let my social security advocate continue reading cases as she had agreed to permit because of my unreliable vision due to my disability. (6/6/11 Hrg. Tr. p. 2, line 14- p. 3, line 3). The judge stated she would not be allowing evidence, tapes to be heard. The case was transferred to Judge \_\_\_\_\_ for purposes of the motion for summary judgment hearing and motion to compel heard on 6/6/2011 and trial as Judge Christopher Staring left for the juvenile court. Judge \_\_\_\_\_ flat out stated that I would not be allowed to argue case. (6/6/11 Hrg. Tr. p. 3, lines 4-13). (6/6/11 Hrg. Tr. p. 3 lines 19-24). Judge \_\_\_\_\_ stepped down as Presiding Judge in May 2011 prematurely as term was to continue until January 2012 and replaced by Judge Sally Simmons. Plaintiff had not previously had

exposure to Judge \_\_\_\_\_ until the motion to compel/motion for summary judgment hearing. An appeal has been filed with the Arizona Court of Appeals, Division Two.

3. Judge \_\_\_\_\_ holding up appeal documents forwarding to the Court of Appeals. Telephoned appeal department at Pima County Superior Court was advised that Judge did not sign and file previous orders to defer fees associated with appeal. The appeals department worked with me to resolve this matter. A proposed order was "lost" several times. Roger Murray of the Pima County Superior Court assisted me greatly in resolving this issue. I was advised by the appeals department that Judge \_\_\_\_\_ was holding this matter and that it was up to her to decide if she would sign it.
  
4. I have learned that Judge \_\_\_\_\_ stepped down early in connection with corruption charges as well as other Pima County judges that retired early in connection with corruption while she was presiding judge. In particular, biased towards single fathers according to Citizen Facebook pages regarding allegations of corruption charges, investigation and sudden retiring of judges at the Pima County Superior Court - <http://www.facebook.com/topic.php?uid=173347701125&topic=18928> and <http://www.facebook.com/topic.php?uid=173347701125&topic=19095>. Plaintiff experienced high turnover with Judges assigned to the Michael A. Leon v. Securaplane Pima County Superior Court Case No. C2009 \_\_\_\_\_ matter. Specifically, about five judges were assigned and transferred out of the Court or the case. Judge \_\_\_\_\_ was irritated and terse at this SSI disabled Plaintiff, single father and hurried matter along. Judge \_\_\_\_\_ stated that she would not be listening to audio tapes/evidence. The disdain for this pro se litigant was apparent. Judge \_\_\_\_\_ should have recused herself from this matter. Judge \_\_\_\_\_ resented hearing this matter.
  
5. I have learned that Judge \_\_\_\_\_ had issues with single fathers as matters investigated primarily involved family law issues.
  
6. Judge \_\_\_\_\_ gave looks of disdain towards me and my SSI advocate the minute she entered the courtroom; Judge \_\_\_\_\_ kept smirking, rolling eyes and giving looks towards defense counsel. Judge \_\_\_\_\_ extremely biased evident from transcript early on (6/6/11 Hrg. Tr. p. 5, lines 8-9). (6/6/11 Hrg. Tr.p. 5, lines 19-20). (6/6/11 Hrg. Tr. p. 12, lines 10-19). The judge hurried me along constantly, was abrupt. (6/6/11 Hrg. Tr. p. 12, lines 20-24). (6/6/11 Hrg. Tr. p. 27, lines 9 – 24).
  
7. Judge \_\_\_\_\_ stated that she would not be allowing tapes or listening to tapes containing evidence. This is a prejudicial attitude towards me. (6/6/11 Hrg. Tr. p. 27, lines 9 – 24). This

- matter has a right to proceed to trial for a jury to decide matter. (6/6/11 Hrg. Tr. p. 41, line 14-25.)
8. The judge would not let me finish (6/6/11 Hrg. Tr. p. 39, lines 14- p. 41 line 13). (6/6/11 Hrg. Tr. p. 50, line 9-10). (6/6/11 Hrg. Tr. p. 51, line 18-19). The judge would not let my social security disability advocate finish reading cases (6/6/11 Hrg. Tr. p. 41-line 14 – 42, line 25).
  9. Judge                      would not let my SSI advocate finish reading points that I could not read aloud, specifically case law/precedents because of my diminished vision.
  10. Judge                      did not penalize Defendants for discovery abuse in connection with motion to compel. Judge                      is biased for Corporations due to her work as defense counsel for corporations.
  11. Judge                      just entered this case, resents the case and is not accurate concerning the facts as illustrated in her ruling. Page 1 alone contains multiple factual errors. For example: Judge                      states that I filed a whistleblower case after termination of employment – this was filed in March 2007. I was promoted to Senior Engineering Technician not hired as one. I was not terminated on May 11, 2007. Plaintiff was permitted to amend his complaint four times not three. Additionally, the judge states confusion about matter timeline. (6/6/11 Hrg. Tr.p. 33, lines 8-9).
  12. Judge                      extremely abrupt, biased and would not allowed me my final argument (6/6/11 Hrg. Tr. p. 51, line 18-21).
  13. The judge should have disqualified herself from this case as defense counsel and the judge have attended many social events together spanning several years and are colleagues as evidenced by the below websites: <http://www.azbar.org/media/62897/rattler0803.pdf> ,  
<http://www.vlparizona.org/2009%20Annual%20Report.pdf>.