

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-254

Complainant: No. 1143610952A

Judge: No. 1143610952B

ORDER

The complainant alleged that a justice of the peace mishandled his small claims case in several ways.

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 response from the judge, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: December 15, 2011.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on December 15, 2011.

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

To Whom It May Concern:

This complaint is against J.P.

-- DEFENDANT:

I paid the filing fee for a small claims action. Then I paid a process server to have it served. The Defendant did not answer so I filed an application for default judgment. The application was approved and default entered after hearing which the Defendant was also given notice of but did not attend.

The following year, I attempted to collect upon said judgment. I could not afford to hire a process server so I applied to have the Constable serve the legal documents regarding collection of my judgment. The documents were not properly handled and were never served. The court billed me for that despite my disputes. (I should have never been billed for filing & service if I supposedly shouldn't have been permitted to file those particular documents to begin with). At that point, Mr. [redacted] derailed my case and drove it into the ground, vacating my default judgment. I asked why but was never told why. I was told to attend a hearing where I could plead my case over again. I travelled a great distance and interrupted my busy schedule once again to attend said hearing but never received any sort of ruling regarding the hearing. In fact, Mr. [redacted] didn't even bother to show up to said hearing to explain his reasoning for vacating my judgment and dismissing my case. There was just a pro-tem judge that wasn't sure what was going on either.

I again requested clarification but never received any clarification. Instead I am out the original filing fee and original process server costs + travel costs, my time, mailing and other resources/expenses. I was told to have the case re-served but was never told why. As I did not have the funds to have the case re-served, I put in an additional fee waiver request for service via Constable (multiple waiver applications in a single case are permissible by ARCP – though only the first application was ever actually ruled upon).

Just prior to that, I had a fee waiver in Maricopa County Superior Court granted by a Superior Court Judge considering the same information that Mr. [redacted] (supposedly) considered but denied. Mr. [redacted] essentially overruled the SUPERIOR COURT's recent decision by denying my fee waiver request, once again failing to state why, even after I informed him that the Superior Court ruled contrary to his ruling. I filed a motion to change venue basically because of the insanity that Mr. [redacted] brought on against me with his incompetence coupled with a total disregard for the law and of my rights. Once again, Mr. [redacted] denied those filings as well. I filed a request to remove from small claims to civil. He wrongfully denied that as well. I filed a request for an extension of time in which to (re)serve the documents (again). He denied that as well. I filed an Amended Complaint but he just ignored that.

Apparently Mr. [redacted] just likes vacating lawful judgments and dismissing cases just for the hell of it. Please forgive my tone but understand just how absolutely unexpected all of this is and how totally ignorant Mr. [redacted] lack of response has been. Perhaps he was just trying to sucker me into re-filing so that I'd be out double the money yet his judicial credits would double at the same time. The thought of that absolutely disgusts me. But since he refuses to clarify, I can only be left to assume.

I have lost a great deal of time, money and resources pursuing a perfectly valid debt while the Defendant just walks away laughing, having basically destroyed me and my small business financially.

Enough cases like this and the public WILL certainly lose ANY confidence that it may have once held in our justice courts.

Mr. [REDACTED] is an ignorant disgrace to the robe and I am horrified that I have ever had to endure this experience to begin with. I am horribly sorry that I ever voted for him and encouraged others to do so as well. I won't make that mistake ever again. I realize that there is not much that the Commission on Judicial Misconduct can do and that the only way to truly be rid a bad politician is to vote him out of office. However, this complaint absolutely NEEDED to be filed regardless. As Mr. [REDACTED] has proven himself to be biased against me and is unlikely to ever treat me in a fair and unbiased manner in the future (especially after receipt of this complaint), I ask that he agree or otherwise be ordered to have any potential future cases involving me heard by someone other than himself.

I would have filed this complaint sooner but I wanted to allow time for Mr. [REDACTED] to rectify or at least clarify the situation and respond. He never did.

Thank you for your time and consideration.

I certify that the foregoing is true and correct to the best of my knowledge and belief.