

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-045

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Complainant: No. 1436010229A

Judge: No. 1436010229B

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**ORDER**

The complainant alleged that a justice of the peace slept during portions of his small claims hearing and did not provide an explanation of his decision.

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 video recording of the hearing, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 30, 2012.

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 April 30, 2012.

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

CASE NUMBER: CC2011

PLAINTIFF:

DEFENDANTS:

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On July 8, 2011, the above appeared in Judge \_\_\_\_\_ court. Prior to our case being heard, the Judge heard another case. The Judge explained his ruling, point by point to the Plaintiff who the Judge had ruled against.

The crux of my complaint is found in the undated letter I sent to Judge \_\_\_\_\_ which is attached to this complaint.

Judge \_\_\_\_\_ did not rule on my case as he had done with the case prior to mine. He indicated to us that he would have a ruling the next week. Next week came and went. We did not hear from the Judge. It took him roughly two week to render a decision. The case was not that complicated. I sent him a letter asking for an explanation of his ruling, as he had done in the case he heard before mine. In the letter I noted that he had been sleeping on the bench during my hearing. He sent me a response (attached) dated September 2,2011.villifying me. The letter was rude, unprofessional, and at best vindictive. I maintain that his ire was occasioned by the truth of my statement that he was sleeping on the bench while ostensibly hearing a case. In his 9/2/11 letter to me, he did not deny my assertion of his sleeping on the bench!

As the case proceeded, Judge \_\_\_\_\_ asked the question, " are you suing the defendants. I stated that I was not suing the defendants only as they served as officers of the American Bridge Association/ Western Section. The hearing continued. I don't know if he understood my complaint and wanted some time to analyze what might be a problem in his decision. He never discussed, in the hearing what might be a concern about my clarification of whom I was suing. Again, it took him two plus weeks to render a decision.

I left the Court while he engaged with the defendants about his living in Los Angeles and sites in the city that each were familiar.

**I AGREED TO ACCEPT THE DECISION OF THE COURT. BUT I DID NOT AGREE TO ACCEPT THE COURT'S DECISION IS THE JUDGE IS SLEEPING DURING THE HEARING! WHILE SLEEPING, HE COULD NOT RENDER AN IMPARTIAL DECISION.**

It is my considered judgment that the Commission on Judicial Conduct should exercise its authority regarding my complaint.