

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-203

Complainant: No. 1413910082A

Judge: No. 1413910082B

ORDER

The complainants alleged a superior court judge prejudged their case, made improper remarks during a hearing and displayed an improper demeanor, which demonstrated bias against them as pro se litigants.

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 complainants, the judge's response, and the audio 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 review the legal sufficiency of the judge's rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: November 29, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on November 29, 2012.

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

JUL 26 2012

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State of Arizona Commission on Judicial Conduct 1501 W. Washington Street, Suite 229 Phoenix,
Arizona 85007

COMPLAINT AGAINST A JUDGE

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

To the Judicial Committee,

This complaint concerns the Pinal County Superior Court and the reprehensible behavior of Judge

On June 14, 2012, Judge Bradley M Soos recused himself from case _____ and on June 18, 2012, Judge _____ was assigned to the case. My wife, _____ and I, _____ were appearing as pro se litigants in case _____. My wife and I had filed a Motion to Dismiss for Fraud Upon the Court on May 14, 2012 which Judge _____ did not take action on before recusing himself.

On June 22, 2012, my wife and I also filed a Motion for Stay of Proceedings since the Plaintiff had activated a Writ of Restitution, even though the validity of the judgment had been put into question on May 14, 2012 with our Motion to Vacate Judgment for Fraud Upon the Court. I also filed a Supplemental Application for further deferral/waiver of court fees since my hours at work were cut.

On July 13, 2012, Judge _____ submitted a Notice/Order ordering the following:

1. Hearing on Defendants' Motion to Vacate Judgment set on July 24, 2012 at 9:00 AM is affirmed and will go forward as scheduled.
2. Defendants' Motion for Stay of the Proceedings will be considered at the hearing on July 24, 2012.
3. Defendants' Supplemental Application for further deferral/waiver of court fees will be considered at the July 24, 2012 hearing. (There were other orders which were somewhat addressed at the hearing but for the sake of brevity I am not including).

On July 20, 2012, the Plaintiff's legal counsel suddenly decided to file their own Motion to Vacate Judgment.

My wife has leukemia and has her good days and not so good days. July 24, 2012 happened to be a very bad day for her but we went to the hearing as ordered. It was obvious to anyone present that she was extremely ill. She was very disoriented and had a severe migraine headache.

After our case number was called and Judge _____ saw all parties were present, he (Judge _____ did not even appear to be concerned about my wife's health and proceeded right into

the case before I could even ask for a continuance. Judge _____ mentioned during his "monolog" that the reason he denied the Plaintiff's request to appear telephonically was so that he could put an end to this matter once and for all. With this statement, it was clear he had already made up his mind on how he was going to rule before hearing from either the Plaintiff's legal counsel or from us, the Defendants. My wife could not understand half of what was being said in the courtroom due to her condition and I told Judge _____ that my wife was having some health issues. She could only hear every other word or so of what was being said and she told Judge _____ this and all he did was slow his voice down. He showed absolutely no concern whatsoever for my wife's health even though she was clearly disoriented and in severe distress. Even the Plaintiff's counsel appeared concerned for my wife.

To our complete surprise, Judge _____ never even addressed any of the three aforementioned issues, one of which bore the title of the hearing itself. He only addressed the Motion to Vacate Judgment filed by the Plaintiff's counsel and completely ignored our Motion to Vacate Judgment for Fraud Upon the Court. I have reason to believe that Judge _____ ignored our Motion to Vacate Judgment because we were pro se. Since when is justice only reserved for those who can afford an attorney?

Judge _____ also made some rather snide remarks to me and my wife about "filing for free" which was not true since the first case that I filed in 2009, when I was a Plaintiff, and which Judge _____ also presided over, I completely paid the fees when I filed and I also paid the fees for the Appellate Court when I filed, all of which totaled nearly \$1,000.00. I also had a much better paying job in 2009 than I do now.

Judge _____ was also quite condescending to us because we were pro se thus expressing a bias and prejudice against pro se litigants. He stated that "I had read some information off of the Internet and interpreted it wrong" even though I was quoting from the judicial canons, actual court cases, FRCP, ARCP, ARS, and the U.S. Constitution itself. Then, Judge _____ went on to say how I had said some hurtful things about him and his colleagues. This last comment alone indicates a personal bias towards me if not maliciousness and reason to suspect a vengeful vendetta, therefore, he never should have been ruling on this case. Judge _____ should have recused himself as soon as he was given this case due to the past history between us.

Whenever I tried to speak in our defense, Judge _____ would rudely interrupt me and not allow me to finish my arguments thus deliberately interfering with the presentation of our defense but he allowed the Plaintiff's legal counsel to convey her thoughts completely uninterrupted.

When my wife tried to speak in our defense, in spite of being so ill, with an issue about the Plaintiff not having standing, he rudely kept interrupting her, and ignored and belittled her by making it sound like we had invented the illegal foreclosure sale of our home even though we have the forged and fraudulent documents to prove it. The forged and fraudulent documents were submitted last year to the Arizona Attorney General's Office by the Plaintiff and we showed these to the Court in our May 7, 2012, Answer and Counterclaim. Judge _____ kept insisting that the foreclosure sale of our home was legal and dismissed the fraudulent documents even though he had never even seen the rest of the documents submitted by the Plaintiff in 2011 to the Arizona Attorney Generals Office which are laced with contradictions and bold faced lies. Judge _____ making assumptions regarding an Arizona Attorney General's case that he has not seen nor read firsthand suggests a sanctimonious, holier-than-thou mindset on his part.

Judge made it quite clear that he believed that the Plaintiff, the Plaintiff's legal counsel, and other Judges, including himself, could treat us any way they wanted, including lying to us and violating our rights, and there is nothing that we can ever do about it. He said it didn't matter that we were publically humiliated and that the Plaintiff lied or submitted fraudulent documents. How ironic that he stated it was his duty to uphold the law and yet he ignores the law when it comes to pro se litigants and allows criminals with money to get away with forgery, fraud, and stealing people's homes.

Judge treatment of us, especially my wife, was very unprofessional at best and downright disturbing at worst. I have never witnessed such a disrespectful and callous display toward someone with a terminal illness and making my wife out to be foolish simply for trying to defend us amounts to a complete breach of common decency and etiquette.

Judge seemed to be far more interested in abusing his position to pursue and exact a personal vendetta against me, harassing us, publically humiliating us, putting my wife's life in jeopardy, and making sure our case was dismissed on the Plaintiff's terms instead of performing his judicial duty to ensure that fairness, justice, and impartiality actually existed in this matter.

Judge made every effort possible to discourage us from pursuing the foreclosure fraud and the other offenses/crimes that the Plaintiff committed against us which by law and by rule is clearly not his place to do. His conduct toward us on July 24, 2012, is in violation of Judicial Canons Rule 1.1: Compliance with the Law, Rule 1.2: Promoting Confidence in the Judiciary, Rule 2.2: Impartiality and Fairness, Rule 2.3: Bias, Prejudice, and Harassment (A),(B), Rule 2.6: Ensuring the Right to be Heard, Rule 2.7: Responsibility to Decide, Rule 2.8 Decorum, Demeanor, and Communication with Jurors (B), Rule 2.11: Disqualification (A) (1), and Rule 2.16: Cooperation with Disciplinary Authorities (B).

I used to have faith in the judicial system and wanted to believe that my wife and I would receive a fair and impartial tribunal but because of the obvious prejudice and bias against us that took place in this case, I now see that the justice system which I used to hold in such high regard is nothing but a myth because receiving justice, at least in the County Superior Court, is based solely on how much money one has and has nothing to do with abiding by the law.

Respectfully,