

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-004

Judge:	No. 1459410671A
Complainant:	No. 1459410671B

ORDER

The complainant alleged a municipal court judge displayed an improper demeanor and intentionally ignored the law.

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 all of the information provided by the complainant and the 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 recording failed to substantiate that the judge behaved improperly toward the complainant. The remaining allegations involve legal issues outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: March 7, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 7, 2013.

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

This is a complaint regarding one of the lawyers/judges in the Tempe municipal court. She lacks professionalism and does not handle simple questions well. I've already filed this with the presiding judge, before taking complaints to the city counsel and judicial conduct commission.

At a 14 Nov. 2012 hearing (), as a member of the press, I was also helping a client who had a parking ticket. I was not permitted to assist because I'm not a member of a labor organization called the state bar. I was ordered to sit behind the bar. When I stated that non-membership in a labor organization was not grounds to exclude me, I got angry, she was even more angry when I pointed out the rule she cited as grounds to exclude me could be waived in the interests of justice.

I walked behind the bar and when I went to sit down in the first row, she yelled at me to sit in the back row. I asked her why and she said it was because of my behavior. Since there are only 2 rows I didn't think it was a big deal and sat down to avoid being held in contempt. Though the reference to sit in the back did not go unnoticed.

then proceeded absent any jurisdiction. Before the hearing started, I had asked the man who wrote the ticket, what evidence he relied on to prove the code applied to my client and there was jurisdiction and he replied: "I'll let the judge decide." When I pointed out the rules required discovery just prior to trial, she just sat there mute. I also pointed out the burden of proof was on him, not the judge. Stoufer say silent.

denied a motion to dismiss that was based on there being no case and no evidence of jurisdiction. She gave no grounds for her denial. When asked if the civil complaint filed was in the nature of a contract dispute or tort, she answering for she said "neither". Civil actions fall into only two categories: contract or tort. I'm not familiar with a class of civil proceedings called "neither".

refused any discussion on the issue of standing and did not like being questioned. Even those with only a cursory understanding of the legal system know "courts only adjudicate justiciable controversies." United States v. Interstate Commerce Commission, 337 US 426, 430. complaint and testimony was devoid of any allegations/facts of injury and he lacked standing: "To gain standing to bring an action, a plaintiff must allege a distinct and palpable injury. Warth v. Seldin, 422 U.S. 490, 501." Sears v. Hull, 961 P.2d 1013, 1017 (1998).

The lack of standing and jurisdiction did not stop her for a moment though; she acted as if she was a law unto herself just making it up as she went along.

If she does not like being questioned, then she should not have relieved the complainant, of his burden of proof. The one who invokes a court's jurisdiction bears the burden.

denied the motion without grounds and without having the complaining party offer any argument or disagreement.

offered no facts the code was applicable to the defendant, she made no attempt to prove jurisdiction and on cross-examination was declared incompetent to give legal opinions. Despite her ruling, she allowed him to give legal opinions on the complaint and in his testimony, including, but not limited to, he was subject to the code and had violated it. She refused to strike his legal opinions even though she ruled he was not competent to give them.

behavior was unprofessional, like a common bully; so it was ironic when she stated exhibited "rudeness beyond bounds". All he did was ask questions.

What also concerns me is why she the one who wrote the complaint, was so obstinate about

giving discovery. He did not just refuse, he said: "I'll let the judge decide." Why would a litigant be so confident the judge would cover his burden of proof? After watching pick up his burden of proof, it seems was confident because picking up a burden of proof for those acting on behalf of the "City" or "State" is part of the process in the Tempe court.

In summary,

1. Proceeded without evidence of jurisdiction;
2. Relieved plaintiff of burden, allowed to proceed when plaintiff lacked standing;
3. Impeached witness and still took his testimony.

To add insult to injury, then mislead into thinking he had to pay the fine the same day, despite the law permitting thirty days, see 28-1601 of the ARS.