

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-204

Judge:	No. 1018014736A
Complainant:	No. 1018014736B

ORDER

The complainant alleged a superior court judge made various statements during a hearing that humiliated her and that demonstrated bias against her.

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 complaint, 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: September 4, 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 September 4, 2013.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2013-204

COMPLAINT AGAINST A JUDGE

Your name: _____ Judge's name: _____ Date: 8/8/2013

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.

On April 9, 2013 at 11:00am we had a hearing before J _____ The hearing was after there was a telephonic meeting that morning. The Defense attorney _____ was objecting to me wanting my daughter _____ to be present for the depositions. I wanted her present because she has more knowledge of some of the facts then I do. Throughout the entire proceeding _____ made sarcastic remarks and threats against me, which made me feel totally violated. On several occasions he would go into 10 minute rants that seemed very personal in nature and biased against me. At one point when my Attorney addressed the fact that my daughter has my Power of Attorney, _____ asked if that meant that she was to be held accountable for any orders that he imposed on me during this case and when my attorney responded that if she was acting on my behalf then by all means she would be but if she were acting on her own behalf that would be different. _____ then asked my attorney "So she wants to have her cake and eat it to? Is that your argument?" _____, I also felt he was trying to intimidate myself and my family by asking that everyone present in the courtroom be identified. When my Attorney identified everyone and then went on to make a statement, _____ cut him off and would not let him speak. As the hearing proceeded, _____ was very prejudicial by allowing _____ to insinuate that my daughter and I were making numerous complaints to law enforcement agencies in an attempt to harass the defendants, without allowing our attorney to respond or even explain that there were only 3 calls made, one to MVD who told us to contact _____ County Sheriff, one to _____ County Sheriff who told us it was _____ County Sheriff jurisdiction and one to _____ County Sheriff. From this point on I felt that _____ had already made up his mind about the case and myself. _____ stated "Depositions are not mini trials. Depositions are tools used by lawyers to discover facts, not truths, facts." This statement is inaccurate because the very definition of a deposition is testimony given by a witness under oath for the truth and whole truth. On page 35 of the transcript is another of _____ rants, _____ he states "I also disapprove now formally as the judge on the civil matter of any further calls to law enforcement filing claims that _____ have stolen anything from _____ That will stop. I cannot control Facebook. I cannot control what people say. But I'm finding that unfair tactics, including multiple calls to law enforcement are harassing, and they are not really calculated to accomplish a criminal proceeding. The county attorney is the sole guardian of

(Attach additional sheets as needed)

what gets filed, and so any more calls to law enforcement are to be stopped." I felt completely overwhelmed that he could deny me a constitutional right to contact law enforcement. As if all this was not enough, [redacted] went on to threaten me with moving the case out of [redacted] County and have additional expenses. I am a 71 year old widow and for him to have the power to threaten my income if I wanted to get my property back was very unsettling.

he stated " And if you want to contaminate the jury pool, continue to put stuff on Facebook and you may find yourself in [redacted] County or [redacted] for trial purposes if this case gets that far. That will be such additional cost that you will spend over a hundred thousand dollars litigating this thing, which may be the ultimate value of whatever it is you want to get back or want to hang onto. But if you keep pushing and creating problems in the community, such as a Facebook issue, then the court may find contamination of the jury pool, and I'll send this packing to [redacted] and then you look at the costs of litigating this thing out of [redacted]

[redacted] County with a whole new judge, a whole new jury panel, and people totally unfamiliar with the [redacted] because if you continue in that direction, that may be what you get." This did not stop here. When my attorney objected to the fact that [redacted] was ordering that I couldn't contact law enforcement, [redacted] went on another rant about his life in [redacted] County. [redacted] " Here is how I view that.

I'm familiar with the case from my life in [redacted] County where a very begrudged woman in a divorce kept filing, kept calling police for over 25 years with regard to allegations about her ex husband. Ultimately the court had to issue a blanket rule, the presiding judge, forbidding her from even entering into the courthouse because she was so litigious." So now he is comparing me to a begrudged woman who needs to be forbidden from entering a courthouse? I was humiliated to say the least. And I believe this is in direct reference because we have a wrongful death lawsuit regarding my husbands death that he is also presiding over.

[redacted] that he gets people who call the police for "the most unbelievable things" and that the police have "a lot better things to do than be out there investigating most of the complaints that come to them" Is that not what the law enforcement agencies are for? He also says that "if it's not constitutional, fine. You get a court of appeals to tell me that [redacted] have an unfettered right to keep calling the police every other day or every week reporting new crimes. That's fine. Take it up to the court of appeals. I do not accept that argument, so fine. There you go. So I've made my ruling." To me, I once again felt totally violated. He is not treating me with dignity, he is belittling me and my circumstance. His statement about how he will move this case out of the County and he states on page 40 Lines 19-20 "And no court

is going to reverse me on that decision. I'll guarantee it." This made me feel that I had no rights. Another comment he makes that is prejudicial was "I'm not talking about motor vehicle. I'm talking about police, County sheriff. Stop that. If you have reason to think that continues to steal from the estate, then talk to or talk to But stop calling so that, for example, Officer comes out again for the fifteenth time, or whatever it's been, to investigate and find whatever you think is being stolen. Make a list. Talk to If there's enough evidence there for him to file, then he can file whatever he wants to file. But, again, to be calling and have Officer show up in the middle of the night or after shift or law enforcement from the sheriff come by and investigate this and investigate that, that's not how it's done." He already has made his mind up that we are continually calling law enforcement, even though he never once asked how many reports were made or even let our attorney tell him. Finally, his comment "Now you're in civil court. Do it my way." This really made me feel that he was biased and has already formed his opinion. I should not be threatened that if a conversation with family members or friends comes up on Facebook, that he will move it to another County where it will cost me hundreds of thousands of dollars to get back my property. How can he be allowed to tell me that I can't contact law enforcement? Or accuse me or compare me to a begrudged woman in County. I am saddened that this has come down to a complaint but I do not feel that can be impartial. I am terrified that he will cost me my life savings and income to get my property returned if someone makes a false statement or any statement.