

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-205

Judge:	No. 1474014737A
Complainant:	No. 1474014737B

ORDER

The complainant alleged a justice of the peace was hostile, rude, delayed a number of rulings, and was biased.

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 review, 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 court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 2, 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 December 2, 2013.

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

COMPLAINT TO ARIZONA COMMISSION ON JUDICIAL CONDUCT
ATTACHMENT "A"

COMES NOW _____, the complainant herein who, after first being duly sworn, states and alleges:

1. that this complaint comes at a time in this nation's history when assault and violence are becoming commonplace, the news – especially in Arizona - filled with incident after incident of shootings, hit-and-runs, temperamental domestic violence, government run amok (Prescott cause celebre | firefighter dispute case in point) and plain old, simple stupidity on the part of public officials whose biased conduct proves beyond any doubt that they have no business holding a public office. This complaint has its foundations in the latter.
2. that on _____ I became the plaintiff in _____ the action at law docketed in _____ on which this complaint is based, seeking redress in small claims court for money owed me for violations of the Arizona Landlord Tenant Act (failure to maintain premises; illegal ouster, revenge and retaliation & others) by a defendant/landlord who, unknown to me until only recently, had operated far outside the parameters of the laws of the state of Arizona for the entire period during which I was a rental tenant of the premises known as _____.
3. that I came to the _____ courtroom seeking justice. Instead, I was victimized a second time in an uncalled for battlefield drama, hostile show of force by the justice court system itself, a court-instigated donnybrook involving a passel of inane "*denied with prejudice*" pronouncements from the bench, I still do not understand the reason for, issued during a pretrial conference misused to render a coerced final judgment by a justice of the peace run amok while pleadings and documents were violently ripped and torn apart following each spoken _____; " the torn pages cast aside and scattered about the courtroom like so much confetti as the disruptive, one-sided melee deteriorated into a perfect demonstration of the truth of the old cliché which ends: "*.... absolute power corrupts absolutely!*"
4. that amid all the court instigated confusion, intimidation and coercion, fearing that the court drama underway appeared headed toward contempt, and I would be victimized even further, in

the belief that the only way to stop Her Honor's unprofessional tirade would be to dismiss the case, under duress, I did precisely that, intending to appeal the final determination on grounds of improper procedure when issued. So far, despite having been promised an mailing date, that official determination has not been forthcoming.

5. Imagine a pro se litigant unskilled in matters of trial procedure appearing in an Arizona court of law on grounds that she was victimized by her landlord of seven years, victimized brutally for performing maintenance chores and upgrading said landlord's rental property because said landlord flat refused to follow the law and do the work?
 - a. Imagine, after enduring the *good ol' boy* machinations of illegal ouster, this Plaintiff, being forced to file a small claims lawsuit in an attempt to collect a just debt, & finding herself in an unfamiliar judicial setting, repeatedly confronted by overaggressive, hostile, and rude employees, with a bad attitude, giving every appearance of either being related to the named defendant in the case, or at least friendly with him, to the point that every transaction, attempted in the r, was antagonistic and confrontational.
 - b. Imagine, that within twenty days of the time of filing my complaint, to collect money owed me for unpaid security deposit refunds, plus costs incurred due to the defendant's unlawful patterns and practices, violating Title 33 of the Arizona Revised Statutes, the justice court victimization practices, becoming more and more pronounced, aided and abetted by two judicially affiliated individuals (an antagonistic clerk and the judge herself) apparently sympathetic to the defendant's outright false counterclaim, that I owed the landlord over
 - c. Imagine further, unprofessional conduct on the part of that same clerk's office employee that led to the contrived, slipshod, court-instigated courtroom donnybrook, rigged (in my view), for the purpose of allowing the Court to force a final determination "*with prejudice*" during the pretrial conference, for the purpose of ending the litigation at the whim of the presiding jurist?
 - d. Imagine an elected justice court level jurist so determined to retain jurisdiction over the matter of t that as soon as I began to challenge the defendant's bogus counterclaims, as constituting the criminal acts of false swearing, perjury, extortion and fraud, the biased intent of the victimization became markedly heated

when, on _____, pleadings filed by me, for the record, specifying the criminally false nature of the particular acts that formed the basis for the defendant's counterclaim, became the target of a childish, unprofessional, two-day _____, hissy-fit, brouhaha, during which I began to find myself harassed, abused, berated and intimidated by both the trial judge and her overaggressive clerk, _____ (suspected to have some personal relationship to or with the defendant) in what became known as "*the pink highlighter incident*," the presiding jurist, seemingly bent on allowing the defendant, accused with unjustly enriching himself, at my expense, to continue to enrich himself, without hindrance or penalty, in an official, judicial setting neither fair nor impartial or even rational.

THE COMPLAINT

During the adjudication of _____, _____ did, commencing _____ throughout the adjudication of _____, until the time, the presiding jurist, unprofessionally tore up plaintiff's pleadings and documents on in a show of reckless, biased prejudice in violation of Rule 81, Rules of the Arizona Supreme Court, literally "trash" the ARIZONA CODE OF JUDICIAL CONDUCT via, what this layperson/ Complainant views as: (1), official misconduct by an elected officer, entrusted with the administration of justice; (2), incompetence in the execution of the official duties of _____ by an officer, entrusted with the execution of the law; (3), gross discrimination by the Court _____, in the administration of official duties; and (4), indecorous patterns and practices of corruption in the conduct of _____ Court, raising the question of unfitness of the presiding jurist, to serve in a position of public trust, i.e.: *Failing to uphold the constitutional oath to faithfully and impartially discharge the duties of the office of _____*

(1) OFFICIAL MISCONDUCT

1. _____ was not in compliance with her oath of office in that impartiality went out the window during the adjudication of _____ beginning with the mid-April "*Pink Highlighter Incident*." Compliance, with the ethical code of conduct for _____ Court, went downhill from there.
 - a. The "*Pink Highlighter Incident*" had its genesis in a simple, tiny ink mark, placed along the staple line of plaintiff originated documents in _____ purpose of enabling plaintiff to easily identify, and differentiate, the original from copies of signed

documents, during the submission process, while mailing. Discovery of this innocuous identification device by [redacted]: Court staff apparently sent a very churlish, childish [redacted]: [redacted] off the deep end of rationality over document format and thus commenced a two-day brouhaha, involving [redacted] and her staff, that began with a series of telephone calls, but did not end until a day later, when plaintiff was forced to make a trip to [redacted], from her home in [redacted], to apologize, and offer to resubmit the documents, without the little red dot on the staple line, in an effort to placate the out-of-control jurist.

- i. **ITEM OF CRITICAL IMPORTANCE TO KEEP IN MIND:** The [redacted] *'Pink Highlighter Incident'* also had a hidden genesis – a secret one, known only to [redacted] & staff, at the time of the April brouhaha - kept hidden away by the judiciary, for reasons which would not become obvious, especially to a naive, pro se prosecution, until much, much later in the proceeding - that being the Court's first discovery of a plaintiff error in document preparation, i.e.: plaintiff erroneously failing to include a "Notice" paragraph in motions that the [redacted]: [redacted] jurist deliberately withheld informing plaintiff about for three full months.
2. [redacted] was not in compliance with her oath of office in that the jurist did irresponsibly, and with considerable conniving, malicious forethought, beginning from the time of the *"pink highlighter incident,"* with (hindsight being 20/20), obvious intent, to let defendant, Mr. [redacted], off the hook, deliberately accumulate plaintiff originated documents, known by [redacted] & staff, to be procedurally incorrect, deliberately refusing or otherwise failing to warn plaintiff for three months, that the procedural error did exist, and then later in [redacted] issue her predetermined Order, ruling the entire stack of pleadings inadmissible, based on that error, without benefit of evidentiary hearing or courtesy warning, clearly, with intent, to throw plaintiff's case into disarray, and force a dismissal via a contrived, court-ordered issuance of a final determination for the Court's convenience.
3. [redacted] failed to uphold and promote the independence, integrity and impartiality of the judiciary to avoid impropriety and appearance of impropriety as required by Canon 1 of the Arizona Code of Judicial Conduct, i.e.:

- a. _____ was not in compliance with the law in the administration of her duties, playing adjudicative favorites in the manner of *good ol' boy politics* during the adjudication of _____, taking extraordinarily inappropriate & grossly biased steps to protect Defendant, _____, from civil liability, resulting from _____ criminal culpability; and
- b. _____ was not in compliance with the law in the administration of her duties, insisting throughout the adjudication of _____ the very end of the pretrial conference, at the time when, she physically destroyed certain plaintiff originated pleading documents (motion, affidavit & amended complaint filed for the record _____ immediately preceding the pre-trial conference) during court session, *from the bench*, via throwing a violent, very childish temper tantrum, demonstrating not only a lack of control, but more importantly, a total lack of judicial ethics.
- c. Contrary to Canon Rule 1.1, and also in contravention to her own docket, which transferred the case from small claims to Justice Court level on _____, did, in open defiance of Plaintiff's protests, insist that _____ be adjudicated as a small claims action subject to the _____ limitations counterclaim rather than be adjusted for accuracy, as the defendant pleadings dictated, thus ignoring the criminal composition of defendant's counterclaim, constituting false swearing, extortion, and fraud, and thus, providing the defendant, judicial protection from his own criminal machinations.

(2) INCOMPETENCE

1. _____ failed to perform the duties of her judicial office impartially, competently, and diligently as required by Canon 2. of the Arizona Code of Judicial Conduct in that:
 - a. _____ clearly did not know the difference between disclosure and discovery, refusing all efforts by the plaintiff to compel _____ to furnish evidence of the truth of his counterclaim(s), using her secreted knowledge as a tool.
 - b. _____ did, in violation of Rule 2.2 & 2.3, demonstrate a complete disregard for any concept of impartiality and fairness, in the conduct of official proceedings, _____ ignoring her duty to warn the Plaintiff of procedural error known only to

the presiding jurist, and instead, wait for three months, after discovery of the error, during the "*pink highlighter incident*" and then – and only then – use the opportunity to deny an entire accumulation of pending pleadings, and motions, being withheld, in one fell swoop, with the intended effect of leaving plaintiff without a case.

- c. — did inappropriately chastise plaintiff because her pleadings were not submitted on form documents copied from the Internet and ruling them "denied with prejudice", for that reason, despite knowing that no such "forms" were available from her office, and, even if they were, that plaintiff had every right to create and present her own pleadings, and motions, in any form, qualifying her the right to be heard; and
- d. — did, in violation of Canon 2. et. al. generally, demonstrate a demeanor constituting gross indecorum in the conduct of official Court proceedings, insisting over plaintiff's repeated protests, that be adjudicated under the small claims' court limitation, rather than the higher Justice Court limit, Defendant had voluntarily raised the limitation to, via his counterclaim pleadings, automatically serving to elevate the matter to Justice Court (Superior Court?) level.
- e. — did, in violation of Rule 2.2 & 2.3, hold Plaintiff, to a completely different standard of conduct, while allowing the defendant the liberty, time and time again, to bend & break the rules set forth by the Justice Court Rules of Civil Procedure.
 - i. — literally refused any effort by the plaintiff, in , to compel disclosure of the bookkeeping records necessary for the plaintiff to prove false swearing, extortion, and fraud, demonstrating over and over and over, in violation of Rule 2.5, that the Court did not know the difference between mandatory disclosure and discovery or even if it did, that there was no way possible, the Court was going to require Defendant to produce documents or allow plaintiff to examine the defendant's bookkeeping records, required to prove plaintiff's false swearing allegations, that the plaintiff owed the defendant money, for services and things, six months into the future, that had not yet occurred, hinky violations of 13-1804 A.R.S. involving attempting to extort money from plaintiff via contrived

bookkeeping entries, manufactured especially to fit the math of defendant's contrivance(s) and more importantly, that technically, the matter should have been transferred to Superior Court on _____, the time when Defendant _____, did, of free will and deed, first file a counterclaim in the amount of _____ and _____, 2007

- ii. _____ was not in compliance with the law (Rule 1.1, 1.2 & 1.3) in the administration of her duties, failing to remove _____ to Superior Court (see ¶ d. above) the very instant Defendant _____ filed his falsely sworn attempt at criminal extortion and fraud in _____ identified as being fraudulent by Plaintiff in her Reply to Defendant's counterclaim, and again, during the _____ pre-trial conference, when the assigned jurist deliberately abused the prestige of her judicial office via the prejudicial act of destroying documents during what can only be described as an indecorous, coercive, "judicial hissy-fit" ruling from the bench.

(3) DISCRIMINATION

1. There is a definite pattern to all this. It is called "pro se bias", and it appears to be happening nationwide; the legal profession taking extraordinary steps, intended to keep non-lawyer litigants – especially 'jailhouse lawyers' - out of the courtroom.
2. Pro se bias was so prevalent in _____, the record showing clearly the inability of _____ staff to deal with pleadings, in any form, other than pre-printed, form documents, not even available to _____ County litigants, unless copied from some sister county's web site.
 - a. Given the circumstances of the unprofessional conduct encountered by this Plaintiff on the part of one confrontational _____ clerk's office employee that led to the contrived, slipshod, court-instigated _____ courtroom donnybrook, rigged (in my view), specifically for the purpose of allowing the Court to force a final determination in a hostile, confused setting "*with prejudice*" during the pretrial conference, for the purpose of forcing an end to the litigation, one tends to wonder, if the temper tantrum dog-and-pony show, wasn't pre-planned?

3. [redacted] insistence, despite defendant's criminally grounded counterclaim elevating the lawsuit's status to the higher, [redacted] limitation, that plaintiff's lawsuit be restricted to the [redacted] small claims limitation,deserves to be repeated here. Even though it is impossible to speak to the jurist's state of mind, [redacted], more than obvious favoritism,shown the defendant in [redacted],to protect the defendant from criminal charges,cannot be denied.

(4) UNFITNESS TO SERVE

1. If an ordinary citizen,appearing pro se,in search of justice,being made a victim in a court of equity,is not enough to get the attention of this Commission, an elected justice court jurist,who cannot control her anger,to the point of trashing the decorum of the court system,by childishy tearing up docketed pleadings,certainly should.
2. As stated in the opening, JP [redacted] inability to conduct the affairs of her office fairly and impartially,rendered this Complainant as much a victim,as any individual robbed at gun point, made that way deliberately by a clearly incompetent elected jurist,more concerned with stripping her intended victim of dignity,while apparently protecting the culprit who perpetrated the offenses,from suffering the consequences of his criminal actions.
3. This Complainant is out [redacted]; thanks to [redacted] inept failure to render justice,in what should have been a court of equity,that instead was turned, in this Complainant's view, into a protection racket,to cover the extortionist antics of a perjurer, present in the [redacted] Court courtroom,as a defendant,because, in addition to the criminal intent of his counterclaim, [redacted] also violated a good portion of Arizona's landlord tenant laws,to originally land himself in court. In [redacted] overzealous efforts to let [redacted] - who the evidence clearly shows was operating outside the law from the moment of the [redacted] walk-through,until attempting his illegal ouster tactics nearly seven years later,that led to [redacted] - off the hook, [redacted] own machinations (whether intentional or not) to abet the theft,by extortion,that took place,and railroad a dismissal,had the effect of unjustly enriching [redacted] expense.

(5) CONCLUSION

1. In retrospect,while still awaiting the issuance of the final determination,and a copy of the record transcript of the [redacted] pretrial proceeding, there is something about [redacted] *Run Amok* situation,that smells. It not only seems odd that a pretrial conference would be

used as a mediation tool, after formal mediation had just been concluded, but, when one takes into consideration, the fact, that prior to the time of the pretrial conference, the Plaintiff entered, into the record, three different replacement documents, necessary to comply with the Court's previous Order, ruling the Plaintiff's pleadings deficient, because of the lack of the *Notice* paragraph, mentioned earlier, and it was those compliance documents that apparently sent Her Honor over the edge draw your own conclusions.

- a. On the [redacted] the pretrial conference was set for, Plaintiff appeared at [redacted] Center early, and entered the documents referenced above into the record via clerk's office employee,
 - b. Because the Affidavit had not been notarized, clerk [redacted] claimed she was not a Notary, and could not witness the signature; therefore Plaintiff would have to present the document to the presiding jurist, to be witnessed.
 - c. Despite the fact that the Affidavit was incomplete, lacking declarer and witness signatures, clerk [redacted] charged the Plaintiff [redacted] for docketing the documents, then handed them all back to this Plaintiff, with instructions to present them to the judge, to be witnessed.
 - d. Midway through the pretrial conference, when Plaintiff finally had opportunity to make the documents' existence known, it was, at this point, that the presiding jurist went ballistic, and began to destroy the documents, handed to her, when Plaintiff tried to follow [redacted] directions.
 - e. It was, during the presiding jurist's document destruction tirade, that Plaintiff began to fear facing contempt charges, and suggested dismissal, under duress, to end the Court's unprofessional, disruptive behavior because the Court refused to explain/answer any queries, as to what the cause, of her outrageous, tumultuous conduct, might be.
 - f. Plaintiff's last remarks, for the record, were to ask for a copy of the transcript of the proceeding; to which the judge responded: "See the clerk."
2. This complaint draft is being prepared two weeks after the [redacted] *Run Amok* incident, while awaiting the transcript of Her Honor's coerced, final determination, ordered by this Plaintiff, at the end of the justice's comic-opera demonstration, of hissy-fit rulings, and

document destruction, which transcript was promised to be ready for pickup on

Obviously, that promise has not been fulfilled, said transcript^{*} intended to accompany this Complaint, and does not. At this point, given the circumstances forming the foundation for this Complaint, I wonder if a transcript will be made available. Ever?

3. Hopefully, the Commission will do everything, in its power, to discipline or remove, the cause of this complaint, from office, so that, what transpired here, will never happen to anyone else, seeking justice in the courtroom, ever again.

UNDER PENALTY OF PERJURY, I swear that the foregoing is true and correct to the best of my personal knowledge, information and belief.

** I've included my narrative, of use at your discretion. awk to be*

STATE OF ARIZONA

County of Yavapai



Narrative

By _____, Plaintiff

At _____ 1, I arrived at the _____ Courthouse. With the defendant present, and within hearing distance, I asked _____ to stamp Plaintiff's **MOTION IN LIMINE; MOTION FOR LEAVE TO AMEND COMPLAINT TO INCLUDE CRIMINAL CHARGES** with **AFFIDAVIT IN SUPPORT OF PLAINTIFF'S SECOND AMENDED COMPLAINT**; and an updated **AMENDED COMPLAINT** preceded by **[ARCP 7.1 (a)]**, and to give me copies. I asked her if the Court had a Notary to witness my signature on the Affidavit.. She said, "No" so I asked if she could simply witness my signature, and she said "No" again. I submitted the Affidavit, without a signature, along with the other documents, to _____ be copied. After some time, _____ held both the originals, and copies at bay, and said, "That will be _____" I asked for a receipt, and _____ said, "As soon as you give me the money, you'll get one."

When _____ gave me the copies, she also gave me the originals. I said, "Shouldn't you keep the originals?" _____ said "No," that I should give them to the Judge.

As the _____ hour approached, and still at the window with _____ I asked her if she had "minute entries for any of the numerous phone calls made by the Defendant, she said, "No." I asked her if she had a copy of the _____ motion because I'd not received one, and she said she'd have to look. From another room, she called out, "What day was that?" After I said, to someone else, behind the glass, the date, _____ came back to tell me that it referred to my **MOTION TO STRIKE** even though I pointed again to the _____ notation. Because it was only minutes before _____ am, I asked permission to use the restroom, which is located across the courtyard, at the library. _____ gave me permission.

At approximately _____ because I'd been waiting outside, with permission, someone said to me, from the doorway, that the court was ready to begin. Seated at our respective tables, _____ began to read through the purpose of a pre-trial conference, as I followed my notes on

Her Honor asked the Plaintiff, _____, if she was willing to discuss the possibility of a settlement.

Since my _____ pro se filing of the initial Small Claims Petition, and referring to the Plaintiff as "P", I responded "I'd be willing to discuss a settlement, and that I was also considering another option." Her Honor asked what else I was considering. Even though I'd prepared a short paragraph to respectfully read to Her Honor, as soon as I said I'd filed **IN LIMINE MOTION(s)**, having to do with criminal misconduct, on the part of the Defendant, the Judge interrupted me. "Where are they? I don't have anything before me!" To which I replied that _____ had told me this morning not only that I should give the original Motions to Her Honor myself, but also that I was confused between Notary and witnessing a signature. Fearful of being cited with contempt, I did not correct the Judge, and only mentioned _____ also refused to simply witness my signature on the Affidavit. The Judge demanded that I give the stamped Motion(s) to the Clerk immediately as well as copies to the Defendant. I asked if I could approach, and gave the originals to the clerk. In the midst of the confusion, as I sorted through copies for the Defendant, some stamped, some unsigned, the Judge riffled through the Motion(s). _____ came to the Affidavit, dismissed it as unsigned, and put an "X" across it from corner to corner. In the throes of intimidation, at this time, I inadvertently gave the Defendant the stamped copy of **MOTION FOR LEAVE TO AMEND COMPLAINT TO INCLUDE CRIMINAL CHARGES**, and the unsigned Affidavit. As I returned to my table, the Judge excoriated me to "Never give (the judge) copies!" "Never ...!"

On _____ I received my first correspondence, from the Court, addressing any of the Motions I'd filed, beginning _____ Not only was my Application, with Affidavit of Entry, for Default, dated _____ declared moot eight days before the pretrial conference, but also my _____ Emergency Motion to Compel Production of Documents and Things, and my _____ Motion to Seek Order to Compel Disclosure without Hearing, were denied, because I'd failed to include "... The moving party must include the following notice at the beginning of the motion..."

(A simple phone call from the clerk et al could have alerted me of my error, and I would have been happy to comply.)

After the judge denied most of my motions, heretofore held in silent abeyance, I asked the judge for leave to resubmit the filed copy of **PLAINTIFF'S AMENDED COMPLAINT**, headed by the notice I'd previously omitted. Her Honor said, "No! I need to tell you the difference between Disclosure and Discovery." According to the Judge, I'd confused the two and would need to resubmit everything. Additionally, her Honor said that all of my exhibits, included in my **COUNTERCLAIM**, had to be resubmitted, individually, following a form unavailable at the Court, if I wanted to go to trial.

Fearing I'd be cited "in contempt", I said "Thank you, your Honor", from then on, rather than "I don't understand." The Defendant told the Court that he had a few questions concerning the Mediation. He said the Plaintiff had asked for . . . I reminded the Court that everything discussed in mediation was "private" and could not be discussed in open court. The judge let the Defendant go on, and finally said mediation's contents couldn't be addressed.

The Court adjourned for lunch, and the Judge, begrudgingly, said she'd work through lunch to mediate between the two parties, now in separate rooms. (Even though I asked the Judge repeatedly about criminal charges being filed against the Defendant, and Plaintiff's **COUNTERCLAIM**, she insisted we discuss only the original **SMALL CLAIMS** I'd filed

In deference to mediation rules(?) I won't discuss what took place. (More often than not, however, the judge addressed me ; the Defendant's surname.) Suffice it to say, that upon my return, and under duress, I asked that the case be dismissed. The Court hyperbolically said "With prejudice!" a number of times, as I tried to clarify, with the Court, that I still wanted to pursue criminal charges against the Defendant. To my chagrin, and fearing additional rebukes, I couldn't get the Court to respond to my requests.

As her Honor addressed the Defendant, and still on the record, she repeated my request for dismissal, to him, as well as many "With prejudice(s)" and one mumbled "Without prejudice."

Her Honor's d enouement, in open court, was to stand, hold up documents I'd filed that morning, rip them in half, and discard them as so much dross. I asked for copies of the transcript, and over her shoulder, she told me to "See the Clerk!" which I did. The Defendant remained seated, at his table, as I left the courtroom.