

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-274

Judge:	No. 1103414790A
Complainant:	No. 1103414790B

ORDER

The complainant alleged that a pro tem superior court settlement judge was biased, improperly advocated for the opposing party, denied him the opportunity to be fully heard, and engaged in improper ex parte communications.

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 approved sending the judge a private warning letter regarding providing legal advice during a settlement conference and post-settlement requests from a party for a lawyer referral. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: February 12, 2014.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on February 12, 2014.

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

COMPLAINT AGAINST A JUDGE

Name _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

SEE ATTACHMENTS

Plaintiff:
Plaintiff Attorney:
First Judge:
Current Judge:
Judge Pro Tempore:

I am a Defendant in case #
Complaint against started after a mandatory settlement conference
was to take place on

Decembe settlement conference:
Judge Pro Tempore present.
present.
present.
present.

Meeting style caucusing.

Judge was clearly not acting as mediator, she refused to listen to anything Defendant had to say. She only wanted Defendant to state a number (meaning dollar amount to settle). I tried to explain to the Judge that the Plaintiff is a liar. The Judge refused to acknowledge Defendants allegations.

Defendant explained to the Judge Pro Tempore that the evidence overwhelmingly is in Defendant favor therefore Defendant would rather go to trial and either win or lose. Judge Pro Tempore wanted Defendant to settle for peanuts, the same amount that was on paper prior to the settlement conference. An offer that was already rejected of I explained I already spent double that amount in this case. She said I would never win a dime. I am like how do you know this ? You do not even know what evidence there is against Plaintiff.

At this point Defendant clearly knew something was up
was clearly working for the other side.

The Judge should have listened and try to understand Defendants position. The Judge began shouting at Defendant, and telling Defendant none of your evidence will see the light of day, your evidence simply does not matter. states this without even knowing what the evidence is.

As a result of behavior , Defendant filed 2 complaints against
with County Court. Neither complaint made it through to the court. Defendant believes
it was a result of some clerical error on Defendants behalf. However Defendant has a Receipt(s) for
this complaint (from _ system was the first receipt date).

Later in this case after mediation closed. Plaintiff moved forward with an amended complaint.

Defendant has refused to answer such amended complaint because it was tainted by ex parte communication with Plaintiff her Attorney and Judge Pro Tempore. Instead, Defendant put forth a excellent argument for motion to Dismiss the Amended Complaint, with the proof of how the amended complaint came to life.

Defendant, through discovery, uncovered that by Plaintiff's own admission on paper and Plaintiff's Attorney on paper, that the Judge Pro Tempore advised Plaintiff's to amend the complaint against Defendant. This clearly shows there was Ex Parte Communication taking place amongst the

The evidence also shows that the Judge Pro Tempore was looking for an Attorney for the Plaintiff so she could Fire her current attorney.

1. The Judge Pro Tempore never advised Defendant any way to fight Defendants case.
2. The Judge Pro Tempore never reached out to Defendant with any Attorney names or phone numbers to call so Defendant could have legal representation, as Judge did for Plaintiff.
3. The Judge Pro Tempore never gave Defendant any legal strategy as she did for Plaintiff's.

Throughout this case Plaintiff whole story has been debunked by Defendant. The Judge Pro Tempore must have known the Plaintiff's weak case, therefore she also advised Plaintiff's a way to try and get an alleged assault charge into the case. Which clearly shows Plaintiff's are trying to paint a bad picture of Defendant to win over some bleeding heart jurists. Because there was never at any time evidence of an assault, two municipalities (police and police) had the opportunity to question Defendant re: this alleged assault. Why in the world would County allow a Judge Pro Tempore to advise one side of what to add to their case? Plaintiff's attorney states that mediators jobs are to advise litigants of weaknesses in their case. However this does not mean they should offer what to add to a case such as the alleged assault. And the other items in the amended complaint.

Defendant is un clear weather requested, or if assigned directly or through some type of Judge Pro Tempore Pool.

The Evidence when read properly, clearly shows a sworn Bar Association member clearly labels as doing the recommendation for the amended complaint. also backs this up.

Evidence also shows how goes out of her way to try and help obtain a new attorney. Not to mention apparently an attorney she knows. She even states she will be making a phone call to do just that.

Defendant is currently working with the media to expose County for it's outrageous behavior.

It sickens me that a person can not get a fair trial or settlement when they represent themselves.

Clearly the advantage should be to a person with an attorney, yet Plaintiff's and Judge Pro Tempore stack the deck, by violating the very rules of the body they claim to represent.

And when caught they try to weasel out of it.

offers No apology, yet writes to the court in response, not admitting to what is true on paper, but rather turns the table on Defendant. Defaming Defendant before the court, stating the evidence ONLY could have been obtained by illegal means. Yet offers no proof of the contrary.

This can be summed up with an analogy as follows:

failed to turn in his homework assignment. The ONLY way that could have happened is the

He clearly is also violating rules of professional conduct as well.

Please keep me informed of this investigation.

If you need anymore documentation or questions answered do not hesitate to contact me.