

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-110

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge is biased and prejudiced against litigants who utilize her services as a certified legal document preparer.

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

Dated: September 22, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on September 22, 2015.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

Please see attached letters and attachments.

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

Re: Court Concerns

Dear Arizona Commission on Judicial Conduct:

After much thought and inquiry of private parties as to possible solutions, I have come to a very disconcerting decision to finally bring some concerns to your attention, as these things I will divulge should concern the Commission as it has affected many parties that have used my services who end up assigned in Court under at Court. I held off filing a complaint in hopes that with time and experience, I could give the situation the possibility for bias and prejudice to subside, to no avail.

Please allow me to explain my position in our system so you might have a better understanding how my concerns have come about. I am a certified legal document preparer ("CLDP"). Prior to this, I worked for , and then spent a off and on, with before obtaining my certification and

A certified legal document preparer is allowed to charge fees for the preparation of court and legal documents and to assist with the processes of the court, somewhat a cross between a legal secretary and a paralegal. We are not attorneys and are restricted from giving legal advice. My function is that I am that intermediary between someone representing themselves and an attorney. Most people who utilize me are either: 1) low-income people who are requiring some form of legal paperwork that they do not have the time due to work and/or knowledge to prepare; 2) generally under-educated, do not understand documents provided by the court or getting through the legal system; 3) are completely lost about the process; or 4) do not like attorneys, and are aware they have another option with a CLDP. All of the aforementioned are people who usually cannot afford an attorney. I cannot tell them how to fight the case, what to do or say in court, or go to court with them, only prepare documents and guide them through the court process. Even though the system (lawmakers who are usually attorneys) have attempted to modify the documents and the procedure so that people may not have to use a CLDP, there is still a place for us and what we do because of the number of people who do not understand the documents and the system, and cannot afford an attorney, but need to use the system.

According to the Arizona Code of Judicial Administration §1-303 CANON 1 and CANON 2 speaks of the ethics from and by a judicial employee. Those two Canons specifically address the ethical duties and regulations that judicial employees must follow. Included in those titles are Rule 1.1. *Compliance with the Law*, Rule 1.2. *Promoting Confidence in the Judiciary*, Rule 1.3. *Abuse of Position*, Rule 2.1. *Giving Priority to Ethical Duties*, Rule 2.2. *Impartiality and Fairness*, Rule 2.3. *Bias, Prejudice, and Harassment*, Rule 2.4. *External Influences on Court*

Duties, Rule 2.5. Competence, Diligence, and Cooperation, Rule 2.6. Assistance to Litigants, and so on. I bring this up because of certain situations that have happened that may or may not fall under any one of Canons that is the Code of Judicial Administration.

One instance of a problem was Case _____ was a standard _____ with no special circumstances, the parties had been personally served via a process server, and should have proceeded through the system without any hold ups. I had received a call from _____ regarding his conversation with the judge's assistant. He informed me that they stated I had not sent the documents when I had regarding one of the filings. I had to explain that it was not true, that I had the documents in my file which were stamped by the court the _____ earlier. The case was filed on _____ the defendant was personally served on _____ was entered on _____, and a _____ without a Hearing was received by the court on _____. No action was taken on the case by the court until _____, that being a hearing scheduled instead of what was requested. _____, as an _____ and _____ individual, had to drive from _____, with the possibility of snow, to finalize the case. This was the _____ case I had done for him, and the first _____ had gone through, as requested, without hearings from other judges, with the same circumstances.

After _____ attended the hearing, he showed up at my office and said the judge had not received the _____ document that was required for his signature, and handed me a blank _____ document that the judge had specifically requested I use. I have copies of all the documents I had included in the filing with the court for the _____ to be finalized, and the _____ was included. But I did not argue with my customer, completed the specified request and sent it to the court the same day. I received a call from _____ on the day that the judge scheduled a _____ with him telling me that the judge had not received the _____ document. I explained to him that short of driving it up there myself, the other option I could utilize was to send it certified mail so it would not get "lost" or not received.

_____ requested I follow through. A _____ judgment was finally signed on _____. Another example, _____, was a _____ with no special circumstances, the parties had been personally served, and should have proceeded through the system without any hold ups. Our concern was that the case was not being pushed through in a timely manner because of the underlying circumstances that he had been informed of by _____. It was filed on _____, defendant was served on _____, was stamped _____, and a _____ without a Hearing was received by the court on _____. No other filing had been received by the court from any party, and a hearing was scheduled instead for _____. _____ contacted me later very angry because the case had not been pushed through in a timely manner and he was losing the _____ that he had _____ and filed the proper procedure, utilizing my services. He stated to me that "there is something very wrong with the system here," and would not answer my calls to address his concerns.

Another example was Case _____, was a _____ The documents for service were continually delayed and not received by the client _____, not being issued by the court. Please see the attached letter written by the client.

Another example was _____ used my services and informed me that he felt he was allegedly treated with

contempt due to using my services, and had to request his case be dismissed while he obtained legal representation. He informed me that he too, filed a complaint.

The most recent example from the referred to _____ is Case _____, _____ . The _____ was filed on _____ and the _____ regarding this case was docketed on _____, with a hearing date set for _____. The client NEVER received the order so he/I could follow through with process service in a timely manner. I had called the week of _____, on _____, and asked the clerk if an _____ had been processed, with the clerk informing me that nothing had been processed by their office. I requested to be transferred to the JA and left a message on her voicemail regarding the matter with no return call. I had happened to be at the court on _____ and personally asked the JA if an _____ was ready. She informed me that it had already been done and sent to the client. I requested a copy, explaining to her that he had not received anything. I was taken by surprise that the hearing was set for _____, leaving very little time for the client to acquire the funds for process service and taking care of the matter.

All of the above situations have occurred in _____ under Judge _____, but these are not all of the occurrences. I have had clients come to me after their hearings informing me of _____ by the judge _____. I have had clients tell me that they were _____ for matters that are available through free court paperwork. All of the alleged bias and prejudice that people are being treated with due to utilizing my services is totally uncalled for and ethically out of line. I have also now been denied volunteering my services to _____, due to what I believe is because the new county program coordinator of _____, is _____ with that judge's assistant, _____. The actions of those in positions of power have caused great stress and discomfort to people having to utilize the judicial system because of their choice to use me, and now it is reaching an extended level to others that I may have been able to assist in a volunteer capacity due to personal connections.

Finally, I have attached a copy of a letter from a client/customer, Case _____ that underwent an experience that should never have happened according to the Canons dictated in the Arizona Code of Judicial Administration, and which somewhat explains to me in my perceptions, why people who are utilizing me are not receiving impartial treatment. This client approached me explaining that she _____, even though I strongly suggested she _____ for what she was experiencing in her legal matters. She insisted I could help her, and I agreed that I could with paperwork, but my hesitations were the fact that her prior _____ was assigned to _____. I prepared the paperwork and sent it to court. I had explained to her that if she was not sure that _____ would sign for a certified letter, in order to save the expense of serving _____ twice, that she could wait for both procedural documents to come back from the court and have the _____ served only one time. She agreed. The rest is in the letter from _____. I explained to her that I would hold off on sending any correspondence to the powers that be until after she received her hearing because I did not want the personal bias of those specific court employees to have an effect on the outcome of her legal matters. And, this is the second client, to my knowledge, that _____ told a litigant that I had _____ than I had, which, in my opinion, is being done intentionally to make me look bad to my customers/clients.

People are allowed to represent themselves. We live in the _____ of the state, and I say this from personal knowledge and because I used to prepare _____ and that observation/conclusion came straight from the _____ of the _____ Court. Expecting the working class in this _____ to use the court system only with an attorney is unrealistic. Just because the judges in our system all used to be attorneys, does not entitle them to impose their "belief" that everyone should be represented by an attorney, if that is actually what is happening above and beyond what is being said about me. People are entitled to represent themselves, and in my opinion, without having to babysit the court system to make sure they are not being jerked around.

One of the most important statements I tell people who come to me is, "_____." I also do keep in mind that there are varying levels of difficulty in cases. Simple cases I _____. However, there have been several people who have brought highly volatile situations to me, and I always _____. But then there are those in the middle, varying degrees of good and bad that involve people who inevitably need the court system. And the bottom line with any case is, whatever it is that people cannot agree to, or need injunctive relief for, the final decision is going to have to be made by a Judge, hopefully without bias and only considering laws and facts, not having to be concerned about how or from whom they got their paperwork processed.

I would venture to say that this is how this county's court system has acquired its reputation of being crooked. I have _____ in _____ about how others believe that the system here is crooked and people are not able to receive fair decisions. I have also been told by _____ of whom I am _____ some judges have a tendency to be harder, and less just, on certain people because they are not utilizing an attorney or because of their gender factor in _____ cases. None of this has an ethical correctness about it. And because it has now become blatantly clear to me that it IS happening, and continuing to happen, somebody needs to be held accountable.

Please know this... I am not concerned about what is being said about me. My greatest concern is how this is affecting the people who need or desire my services, and the overall reputation of our local justice system. I was certified by a board that is appointed by the Arizona Supreme Court, have been told by several _____ in our area that my documents are good, and receive referrals from _____. I am also required to do continuing education each year to stay certified, of which I usually obtain my continuing education from the Arizona Bar Association. It is the same education that attorneys utilize.

Respectfully Yours,