

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-226

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased in favor of the opposing party, denied him a fair hearing, and improperly ruled against him.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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: October 14, 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 October 14, 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.

See four page document.

Complaint form continued. Case _____ in _____ County _____ Court

I had a preliminary injunction hearing with _____ County _____ Court Judge _____ and believe his conduct may be judged to demonstrate an impartial administration of justice.

He didn't begin the hearing with calling for opening arguments; he just immediately let the Defense attorney start direct examination of her first of two witnesses – I having no witnesses. On the _____ day I said that I had expected an opening statement and would like to have time to do it now. _____ explained that I would have a closing argument and rebuttal closing argument at the end of the hearing and it was too late for the opening. The entire hearing was about _____ hours over _____ different _____ having occurred in a _____ time period in _____

That first witness uttered testimony that I found to be untrue. And when I, as a first time litigant representing myself in any place other than small claims court, started a few of my cross examination questions by claiming that the witness's prior statement was wrong, Judge _____ chastised me with a style lacking patience. I would have appreciated him explaining sufficiently why my style of prefacing the questions was not suitable here, but in the - at least _____ times that Mr. _____ did so, it was more to lecture me on the minor flaws. If he would have used a fully, calm demeanor to explain why such is needed in the questioning, it would have seemed more like he was neutral or held regards for guiding a poor person who represented himself and lacked a bit of information that the judge was calling attention to. After the _____ rebukes that came close together, I was not stopped for the same infraction again for the rest of that cross examination or the next _____ days when I cross examined the same witness and the other one. I had gone home and looked up how to cross examine a witness and better understood how to do it.

Now on that _____ day of the hearing, which was only _____ hour long, the Defense Attorney stood to her feet quickly on one occasion to blurt out that she wanted to know more about a law that I had just stated in my cross examination question. Instead of making any criticism of the lawyer for interrupting, Mr. _____ sharply talked down to me, after I had turned to the lawyer to say politely,

said that it was his courtroom and that I will speak only when called upon to do so. I recognized the unfairness in this because I meant no harm and would gladly follow ethical rules or procedures where the judge would prefer that I look to him for what to do next. It was my first time in crossing a boundary on the matter of not speaking to the other counsel, yet I was the one accused - and such was done in a raised voice. I didn't get rebuked for the same infraction again, but I know that if I were in a dignified courtroom, a judge should have concern for each party and speak respectfully and not cause one to contemplate if this is some sort of set up by the opposing counsel who knows she won't get yelled at even though it was she who caused the interruption in my questioning time.

Later I was chastised at least times by Mr. as he accused me of going to my next question before the witnesses were finished answering. Again, if I really did do so, it wasn't done maliciously, yet his reaction to me seemed overboard and belittling. To me it was obvious a few times that the witness had really been done but took advantage of how things played out with the Judge being terse with me by saying, No, I wasn't finished. The one witness in particular blatantly avoided answering the questions I asked, and when I tried to control the witness the judge said to just move along because the witness doesn't understand the Constitution and we are limited on time. One time I asked the judge for help in getting the witness to actually answer the question I asked, and he didn't add support. The hypocrisy of that showed out plainly later in regards to something the Defense considered vital to getting admitted in the record.

On day of the hearing, I had to object before the judge finally made the Defense attorney to lay aside her direct examination on writings the college had found on the Internet. While he sided with me on each objection, the opposing counsel kept up in her questioning and reading the constitutionally protected speech that she hadn't laid a foundation for. Each time I stood and paused, waiting for the Judge to look up from whatever he was reading. It took him a few moments to do so on the occasions. I know I could have just blurted out but I was trying to be polite. When the Defense attorney volunteered to stop with the Exhibit the judge told her that she could confront me with it under cross examination once I get on the stand. The following day, she did just that. It didn't seem like she established a foundation, something I got dinged for on other occasions when the judge sustained such objections from her, and I objected to say that there is a court decision on the side of students' online writings to be out of the control or consideration of a school. Judge responded to my with, As an honest and law

abiding person I did answer, but then found out after reading the sham ruling that a person can explain to a judge that it is improper to ask questions to harass an adversary, and that seems to be why the Defense did it. Now I feel like someone stripped of their rights because comparing the witness above who got to skate free and give non answers, the judge once again helped the opposing lawyer get on the record the information that wasn't relevant To the administrators at the college, who were criticized in the writing and had their shared ethnicity/religion pointed out the writing may have been unwanted but it was lawful speech written after the lawsuit began, except for one article. The Defense lawyer wanted to get my writing on the record in an attempt to blemish my character to the judge and the public. Instead of listening and considering my objection, the judge's actions make him appear to support the schemes of the Defense.

His Ruling put the final these people have built for me because I was not only denied my rights and protection sought in a preliminary injunction, I was given no real explanation for its denial. My suspicions of the entire Court in County being controlled by the wretched machine that runs this town is now confirmed to me. I will not stand upon the judges entering the courtroom from here on out, and I will walk out if I feel I need to if rebuked or threatened with punishment. I can't get justice from this judge and may as well let this whole case I have worked so hard on and suffered retaliation for, get dismissed instead of keeping up the charade where the law firm is enriched and harm after harm is done to me. Mr. in his Ruling said my case doesn't have the merits for success at trial and shockingly gave no reasoning throughout the document, which is enclosed. I did explain adequately at the hearing and in my pleadings how my causes of action were truly violations and how I met the requirements for a preliminary injunction. I am offended and wronged that such was chosen to be discarded.

I wonder if Mr. allowed his Judicial Assistant to insert her prejudice into the ruling, because there is no place for any signature and just the typed name on a line at the bottom of the two page ruling. It reads below the name. I wonder who authored the ruling and believe Ms. was not present for any of it. I bring it to your attention as possible wrong conduct; I know I expect a judge to sign a ruling. I was surprised in a disappointing way to see that the court disparaged me personally just because I brought up how Mr. was treated: my pleadings and that

the writer claims.

Additionally, my Complaint is described to be absent any reasoning to the silly charge.

I had patterned my Complaint on a well-known, local law firm's Complaint in its representation of a student at the same community college who was unlawfully suspended about after I was and in much the same manner as I. I've printed out and read many of those pleadings over time and see that the judge in that case explained his summary judgment ruling by citing all sorts of laws and decisions and then giving his reasoning and decision concerning each cause of action. And while I cited several laws and court decisions in my pleadings and closing arguments to show the Defendant's wrongs, none of that made it to the nor any mention of the things I sought in an injunction! Mr. left me empty-handed by skipping over facts and not upholding my constitutional protections. A legitimate statement of facts and conclusions of law should have been authored so that I would have a Ruling by the court to state its essential findings on the record.

After day of the hearing I discovered that Mr. was a local lawyer ago and likely for the same law firm as the Defense. I think he is swayed by partisan interests or has a fear of criticism if he doesn't shaft me. The only way I can reason to myself how a judge could effectively throw mud in my face as he did in his ruling is by suspecting that he has more than a interest. For he brought up his distaste for Mr. in the first part of the hearing, and I gathered by his statement about the that if I did argue what I wanted to on how instructors and the police didn't want him around any longer but then how an administrator above them gave him a like the written procedures at the college spell out, I'd likely be shut down by a judge who didn't want certain things said in his courtroom. I don't know if the comment that erupted from the judge's mouth would be considered tampering with a witness, but he had read the above about the college's actions in my pleading and then I received the surprising put down in court, on the record. Later in the written Ruling, I got my views knocked down again when that should never have been the focus. I consider it justice denied. In a free country, judges aren't supposed to intimidate a litigant, much less do so based upon how another individual connected to the issue ended up. A judge is obligated to let people be heard according to law.