

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-256

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Judge:

Complainant:

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**ORDER**

The complainant alleged a pro tem justice of the peace improperly denied a motion to dismiss in a civil case.

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

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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 Attached)

Documents Attached

- Motion to
- Motion FOR
- Motion to

In the matter before the court:

Vs

The Plaintiff did not respond to the [redacted] and did not offer any statements or evidence to counter the [redacted] at the scheduled hearing. The hearing appeared to be more about the pleading of the Plaintiff's case than addressing the [redacted]

The Plaintiff stated she installed and fence and moved and that she believes she is entitled to additional compensation even though she signed a [redacted] on an instrument providing for a full release.

The defendant referred to another case, and the judge stated she was not allowed to bring forth these issues. This hearing appeared to be more about allowing the Plaintiff to plead her case and not address the issues of the [redacted] After the defendant pleaded her case, the judge state the [redacted] is denied.

I stated the case should be [redacted] as the Plaintiff did not respond within the statutory timeframe for filing a response [redacted] The judge stated, [redacted] I then stated, the case has no merit and should be dismissed as the Plaintiff signed a release. The judge stated what are you referring too? It was obvious that the judge had not reviewed the file. I read the release and she stated. Ok, the motion is still denied.

The court provides self-help documents, but makes it clear to persons representing themselves by providing a notice as follows:

**NOTICE TO PERSONS REPRESENTING THEMSELVES: a person acting on his, or her own behalf is, under the law, held to the same standards and duties as an attorney admitted to the practice of law in the State of Arizona. Such person is expected to know what the law requires and how to accomplish his or her purposes in accordance with the applicable statutes and court rules. If you need advice, please see an attorney.**

The judge did not act in a professional manner and disregard the rules established by the court. The judge displayed extreme bias in handling of this case. At a later date, I filed a [redacted] and the judge responded this will be reviewed at the hearing. Based on the defense of satisfaction and accord the judge should not have delayed ruling on this [redacted] I have now filed a [redacted] and I can only assume that this will also be denied, based on the continuing bias in this case.

### The Canons of Judicial Ethics

Canon 3 of the American Bar Association's Model Code of Judicial Conduct (2000)<sup>5</sup> reads: "A judge shall perform the duties of judicial office impartially and diligently." Subsection 3B sets forth the following Adjudicative Responsibilities:

(1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism.

(3) A judge shall require order and decorum in proceedings before the judge.

(4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers and of staff, court officials and others subject to the judge's direction and control.

**(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice**, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

Please review and respond accordingly.

Respectfully submitted,