

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-060

Judge:

Complainant:

ORDER

The complainant alleged a pro tem justice of the peace was prejudiced and entered unjust rulings.

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(a).

Dated: April 6, 2016

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 April 6, 2016.

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

To: Commission on Judicial Conduct

Subject: Fwd: Formal complaint administration of Rules of Civil Procedure

To: Arizona Commission on Judicial Conduct

Cc:

To whom it may concern:

We are the in an open case currently being administered by the

At present, we have formally complained in person on the date of this case's first hearing and in court prior to the first scheduled trial We have also complained through numerous motions of the court. Our complaints address the professional conduct of the Plaintiff's attorney, and that of Pro Tem Judge We have demonstrated to the court and have proven beyond all doubt fraudulent and unethical behavior on the part of the Plaintiff's attorney. We have also demonstrated prejudiced behavior on the part of Pro Tem evidenced by his unjust rulings in favor of the Plaintiff's attorney and his client after we have brought to his attention these issues of misconduct and fraudulent behavior.

Through our complaints, we have asked the court to address several issues with this case.

First, the Plaintiff's attorney has failed to file a timely response to our "Answer and Counterclaim" with a deadline. Resulting from the Plaintiff's inability to file a timely response to our "Answer and Counterclaim", we did enter into court record on an "Application for Entry of Default" in favor of our counterclaim. See attachment Plaintiff Response to Defendant Application for Entry of Default".

did file a response to our application on had expressed by letter to the court that the reason for his inability to file a timely response to our "Answer and Counterclaim" was due to a technical difficulty he experienced in using an alleged "ECF" (electronic filing system). In the copy of his response mailed to us at our address, had also attached two supplementary documents printed from his computer system.

At this point, It is important to note that did not attach these same supplementary documents to the copy that he submitted into court record. However, is a court of record and the court record from the pre-trial hearing will clearly demonstrate that did identify these two supplementary documents when they were presented to him in person with as witness.

During the hearing, Judge did promise us that he would take the matter under advisement and verify with the court record if had indeed filed a timely response on Judge also acknowledged that our "Application for Entry of Default" would have to be considered by the court in the event that did not actually execute a proper filing as he claims to have done.

It is then purely logical and at the same time critical to conclude that argument about the ECF as an excuse for his inability to properly file a timely response relies on two premises that he has yet to validate. First, there must be an ECF system available that would permit an individual to complete an electronic filing (pleadings, motions of the court, etc). Second, full and complete documented evidence must be provided and properly filed in accordance with the rules of civil procedure in order to uphold any claim as true and defensible. See attached Plaintiff Attorney Letter to Defendants, not signed or dated".

Subsequent to having received response, we did independently research the legitimacy of his claims concerning the ECF system and did search for the presence of an alleged filing of his response to our "Answer and Counterclaim".

After having conferred with multiple clerks on multiple dates, several independent civil attorneys working in the and the public website, we have confirmed as fact the following information:

- does not offer electronic filing service for any filing other than the initial claim in a small claims lawsuit. Even in such circumstances when electronic filing is allowed, only the entry of the record is permitted electronically and a hard copy of the complaint itself must be either mailed or otherwise physically delivered to the court.
- clerk records indicate that neither the Plaintiff nor the Plaintiff's attorney did enter into court record any documents, motions or pleadings during the month of

We must also mention the following in addition to those complaints listed above:

- On speaking on court record has expressly indicated his willingness to interfere with our witness by conferring with this individual under the terms of an attorney-client relationship concerning the matters of this case.

Rather than repeat in this letter the basis for our entitlement to rights denied by and reiterate references to documented evidence, we have appended to this letter copies of all filings in this case relevant to this issue and a chronology (see "Case Timeline") which indicates the relevant actions and deadlines with reference to the appropriate rules of civil procedure as justification.

We find offenses to be egregious and an affront to the professional code of ethics to which officers of the court are bound by oath. As they relate to , we find actions an offense as they would demonstrate racial prejudice in favor of and his client. We have since motioned the court to remove from his position in this case and we are presently unclear on whether or not our motion was either granted or denied. The court's response was ambiguous and demonstrated a lack of effort and formality. See attachment " Defendant Motion to Change Judge".

We have repeatedly called to the attention of our concern over these issues and we do not feel as though we are being taken seriously. Judge words were literally, "You can appeal it", in response to our having highlighted the error of his ruling. Until formally addressed with a response of the appropriate magnitude and a proper weighing of logic in combination with strict and unhindered application of court rules driven by Arizona State Law, we will not find resolution to our grievances.

At this point, we have grave concern for the potential of a fair and impartial trial in However, we do not feel that a just and impartial judicial system would ever require any individual to appeal an unjust ruling in order to simply avoid corrupted components of that legal system.

We are asking the Commission on Judicial Conduct to intervene in our case and ensure that our rights as citizens are safeguarded by This is why we are writing this letter of formal complaint. We are asking the Commission on Judicial Conduct to address this matter and ensure the following:

1. Clear and transparent application of court rules.
2. Full consideration of all evidence properly brought forth in this case.

We are law abiding citizens of this great nation of ours and we firmly believe in the dispassionate equality of our justice system. We have lived and worked in this country as dedicated members of society, immigrants fleeing from the corruption and injustice of third world country. We have managed our affairs with these ideals in mind for more than three decades and have in the past consistently relied on the judicial system to be fair and just.

Up until this case we have not once felt concern for the impartiality of judges in the courtroom or corruption of the system. It is our sincere hope that the CJC will address this matter in full and deliver to us the resolution we seek.

Kind regards,