

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-132

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace denied a party the right to make a complete record, denied the party the right to a fair trial, allowed false statements to be made, and abrogated the party's right to appeal. The commission's investigation also discovered an alleged delayed ruling.

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 an advisory letter encouraging her to implement and/or enhance her case tracking system for matters taken under advisement. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Christopher W. Ames, Roger D. Barton, George H. Foster, and Art Hinshaw did not participate in the consideration of this matter.

Dated: September 22, 2016

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on September 22, 2016.

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

Commission on Judicial Conduct  
1501 W. Washington. St.  
Suite 229  
Phoenix, AZ 85016-6266

To whom it may concern,

This serves as my formal complaint for misconduct committed by Judge \_\_\_\_\_ (Judge) of the \_\_\_\_\_ in the above-captioned case.<sup>1</sup> In \_\_\_\_\_ filed a civil suit on behalf of \_\_\_\_\_ against \_\_\_\_\_, a \_\_\_\_\_ defendant in the matter.<sup>2</sup> \_\_\_\_\_ a real estate agent, falsely claimed that \_\_\_\_\_ owed him a "penalty" fee for early cancellation. In fact, \_\_\_\_\_ forged \_\_\_\_\_ initials and signature and inserted the penalty clause to make it appear that she had agreed to it.

The Judge heard \_\_\_\_\_ civil action on \_\_\_\_\_ and \_\_\_\_\_ (the Hearing). She eventually issued a one-sentence Decision in favor of \_\_\_\_\_ in or about \_\_\_\_\_. The Hearing transcript (Transcript) fully supports all of the allegations contained below.

The Judge's misconduct during the Hearing includes: denying \_\_\_\_\_ the right to establish a complete record by prohibiting me from speaking on the record to explain why I was there (to assist her in keeping track of exhibits and answer her questions); depriving \_\_\_\_\_ of the right to a fair trial when she qualified \_\_\_\_\_ clearly incompetent witness, \_\_\_\_\_, to testify as an expert in forensic handwriting analysis in violation of Rule 702 of the Federal Rules of Evidence; failing to require \_\_\_\_\_ to establish foundations for all of her questions which related to \_\_\_\_\_ competence to testify as an expert in forensic handwriting analysis; depriving \_\_\_\_\_ of the right to a fair trial by overruling her repeated and continuing

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<sup>1</sup> I spent my \_\_\_\_\_ career \_\_\_\_\_ as a \_\_\_\_\_ with the \_\_\_\_\_. By the time I retired in \_\_\_\_\_ I had \_\_\_\_\_ over a \_\_\_\_\_ and the \_\_\_\_\_  
Complaints issued by the \_\_\_\_\_. In addition to my \_\_\_\_\_ I am \_\_\_\_\_ and the \_\_\_\_\_

<sup>2</sup> So as to not be repetitive, I have enclosed a copy of my \_\_\_\_\_ Response to the \_\_\_\_\_ complaint that \_\_\_\_\_ filed against me in \_\_\_\_\_ Please insure that this document becomes part of the case file.

objections that [redacted] was incompetent to testify as an expert in forensic handwriting analysis; failing to admonish [redacted] during her closing argument, in which [redacted] equated constitutionally protected activity<sup>3</sup> (filing complaints against [redacted] with the [redacted] and the [redacted] alleging that [redacted] had engaged in forgery and fraud), when the Judge knew, or should have known, that [redacted] comment was a lie; and finally, by issuing a [redacted] which essentially and effectively abrogated [redacted] right to file a reasoned and responsive appeal and right to a fair trial.

Equally troubling, was the Judge's post-trial misconduct in which she: [redacted] several post-trial exhibits to her reply to [redacted] Appeal; failed to supervise her staff resulting in the [redacted] trial exhibits from the [redacted] hearing; and finally, [redacted] reasonable request for a stay in imposing the remedy, while [redacted] Appeal was pending, and instead, ordered [redacted] in [redacted] This order, best described as an " [redacted] " forced into [redacted] on [redacted]

Please contact me if you have any questions or require any additional information.

Respectfully submitted,

Enclosure

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<sup>3</sup> See First Amendment of U.S. Constitution: "... to petition the Government for a redress of grievances.")