

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-196

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace was biased in favor of the plaintiff, who was represented by a lawyer, and was prejudiced against him, who was representing himself pro se.

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: August 31, 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 August 31, 2016.

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.

Formal complaint.

Plaintiff:

Defendant:

Case number:

With all due respect for the Judicial system now comes Defendant and lodges a complaint against Judge, for judicial error, injustice and misconduct.

Judge presided over the aforementioned case, which arose out of a dispute of a payment. Originally the case was filed in small claims court by the plaintiff. Upon Defendants answer to the claim and request that the case be moved to as that is where the claim originated, that was initially granted, plaintiff hired a high priced attorney, one of the law firm (the law firm). filed a motion to keep the case in . That was granted.

Defendant had to hire an attorney, of as it was impossible to overlook the case for the defendant. However in late wife passed suddenly and unexpectedly and attention to this case went downhill fast. In defendant tried to settle the case via , but turned down the request, stating that he wasn't too concerned about how much this case would cost the defendant as we had involved the and asked that they review the case did find that the Plaintiff had violated A.R.S. § 32-1158(B). With regards to ‘ , but no further action was taken by

The case progressed and in defendant had to let his attorney go for financial reasons. Defendant than contacted and the firms Managing Partner by email asking what it would take to settle this matter. No answer was ever received. A week or so later a letter via USPS with another request for a settlement discussion was mailed to the firm and to . Again defendant received no answer what-so-ever.

Shortly after that defendant received a copy of a motion for a Summary Judgment against defendant. Defendant answered that motion with a cross motion for a “Summary Judgment” in favor of defendant. Plaintiff has claimed ‘ and damages and Defendant has disputed this claim. Plaintiff submitted a copy of the proposal (copy enclosed) that would have been elevated to a legal binding contract had it been signed, as stipulated in the proposal. Defendant did not write the proposal he had no power over the wording. The proposal clearly states that

. Only defendant signed it. Therefore there is no contract and there can be no breach of a contract. The proposal also contains a paragraph stating that “ . By their own

admission did only sq ft of out of a proposed sq ft. Buyer thus should have been credited with at least a price reduction. That did not happen.

It is the contention of the defendant that Judge only superficially glanced at the pertaining documents and therefore most likely, favored a professional attorney over that of an Pro Se litigant, assuming I believe, that the attorney knew and could prove more than the Pro Se litigant. In a civil case a litigant only need to prove a case "by a preponderance of the evidence" and it is my contention that had this case been tried in open court, or looked at a little more carefully the outcome would have been very different. Yes there was a dispute, and yes it was filed in court, BUT that is what trials are for. To hear all sides of the case and not to just look at one side because the opponent is an attorney.

I realize that the courts are often jammed with cases, cases such as this one, a case that should never have left small claims court, but did, and I am aware of the fact that often times attorneys can be " ", BUT it should never be taken for granted that the attorney is right. It is therefore my contention that had Judge gone over all the documents in this case as she would have had to had the case gone to trial we would have won it.

In closing it is my sincere hope that this will open the judge's eyes to a point where a similar mistake if one was made, which I believe, will not occur again. Justice is blind, but the court in its rulings should not be.

We are and we both feel that we were taken advantage of by the plaintiff and certainly by plaintiff's attorney.

I have enclosed a copy of both parties motion for "summary judgment", for the panel to review. If more evidence or documentation is needed, please let me know.

This case never went to trail but was decided on plaintiff's request for a "summary judgment". We never ever received a written explanation of how the judge arrived at her decision. I don't think, that is how the courts should work. We feel completely wronged by the judge. Even the § 32-1158 (B) " found the plaintiff, had violated A.R.S. "

Respectfully