

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-246

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace decided his case using a random method, was biased against him, did not allow him to be heard, engaged in improper demeanor, improperly “retried” the case, and delayed ruling on motions in a civil matter.

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 to refrain from making comments that could be perceived as favoring one party, and to encourage the judge to conduct proceedings in a more formal fashion so as not to violate Rules 1.2 (Promoting Confidence in the Judiciary) and 2.2 (Impartiality and Fairness). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission member Anna Mary Glaab did not participate in the consideration of this matter.

Dated: November 14, 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 November 14, 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.

At the beginning of the trial and probable off the record, judge _____ said that with him we were about to roll a dice. Does this mean that he actually rolled a dice to decide this case? It appears that way since he ignored all the evidence presented and on record through discovery and possibly rolled an actual dice to decide the fate of the case. He refused to accept the evidence and exhibits handed to him in court during the trial and again instructed the clerk of the court _____ at _____ to reject my exhibits for no good cause. This could be a detriment to my possible appeal of the case. He stated that he was a _____ and that he understood the business and could relate to the defendant's dilemma, that he owned a _____ and that he knew what a _____ goes through when an _____ wants to have the _____ transferred to his new office. This appears to be a biased opinion and violates Rule 2.2 of impartiality and fairness because a judge shall uphold the law, and shall perform all duties of judicial office fairly and impartially.

Judge _____ at trial approximately _____ asked if both the defendant and the plaintiff wanted to take a last opportunity for a settlement, I started speaking and was only able to say that " _____ (offered to settle and I am still willing to settle _____)and he shut me up by interrupting me and having the defendant and her attorney answer instead saying that they would not settle and then he said, " _____ and ignored the rest of my answer and did not give me the opportunity to completely say what I wanted to say. This is an undignified judicial conduct and not proper for the office a judge to do to someone in court. Rule 2.6. Ensuring the Right to be heard - (A) A judge shall accord to every person who has a legal interest in a proceeding, the right to be heard according to the law. RULE 2.8 (B) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses.....

At _____ he concluded the trial after calling the witnesses that were called, determining that _____ in question. Judge _____ on record, with \$ _____ awarded plus approximately \$ _____ in court costs and said that he could not because I was not _____ which I agreed with. The defendant's also agreed that they _____ THEN, (this is after the trial had ended), the judge allowed the defendants to re-start the trial again because they said they forgot to " _____ some obscure issue that had to do with the small amount of _____ party. They " _____ the trial again and Judge _____ his own findings and decision and said I _____ This issue should have been taken up in an appeal procedure by the defendant instead of " _____ . RULE 1.1 A judge shall comply with the law, including the Code of Judicial Conduct.

Judge also during the course of this case failed to act promptly on every one of my motions, ignored them or ruled only at the day of the trial. Case in point, I motioned the court to dismiss the following witnesses due to their testimony being irrelevant, because a witness must have first hand knowledge of the facts. He did not rule on those before the trial although there was enough time to do so. I also submitted a motion with a EXPEDITED RULING REQUESTED which he also ignored until the day of the trial. He ruled at trial that the witnesses would be allowed to testify in disregard of the Justice Court Rules of Civil Procedure Rule 128 states: Motion for judgment on the pleadings: After the pleadings have been filed, any party may file a motion for judgment on the pleadings. The motion will be granted if, for purposes of the motion only, all of the allegations in the opposing party's pleadings are considered to be true, and the party who filed the motion would be entitled to judgment on the pleadings in their favor as a matter of law. ARCP 12 (c) Motion To Dismiss Witnesses was submitted to court and no decision was made until during the trial on Letter was mailed to me after the trial on denying the motion officially.

On the other hand, the defendant's attorney submitted a motion the trial that was scheduled for to continue the trial and a ruling was issued almost and the judge postponed the trial because their witnesses were Rule 2.5 Competente, Diligence, and Cooperation, (A) A judge shall perform judicial and administrative duties competently, diligently, and promptly for both sides, not just one side.

I firmly believe that based on the delayed rulings on motions, rejection of exhibits filed in court on by the clerk of the court who said it was directed by Judge to not accept my exhibits and evidence into the record as evidenced by the or, the harsh treatment at trial when not allowed to speak, rejection of evidence from the trial into the record, late motion rulings, favoritism towards the and that judge external as a has had a negative impact on my case because he assumes that I am just because I am RULE 2.4 External Influences on Judicial Conduct. An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officers, or the judge's friends or family. At

the end of the trial just when walking away into his chambers (off the record). Judge very nicely and courteously, " and the defendant replied, " RULE 2.3. 1. A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. It is clear the defendant did not have and still he ruled that's clear and unequivocal bias and favoritism towards the other party.

IN HIS RULING He determined that I filed the Complaint without citing any legal basis or evidence to support this ruling neither written into evidence or testified to by the witnesses as they indicated on record that I in any way supported by a shread of evidence. He determined that I should and even though they were the ones who and says in his ruling that the case and yet he ignored my motion to object to and to when he should have dismissed it with a " Now I get penalized for the incorrect actions of the defendant's in with exhorbitant attorney's fees that I am unable to pay and present an extreme and serious financial hardship for me, not to mention the tremendous psychological stress of being the subject of a large attorney's fee's amount that could go into the \$ range or more. I will now be pursued by the defendant's attorney's to garnish my meager wages just because Judge did not base his ruling on the evidence and the law as a fair judge. He should have prevented this case to develop into this monstrosity of a case from a simple complaint by ruling timely on my motion to as requested. Thank you.