

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-105

Judge:

Complainant:

ORDER

The complainant alleged a small claims hearing officer refused to answer questions and engaged in improper demeanor.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the hearing officer 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 hearing officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the hearing officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission members Art Hinshaw, Roger D. Barton and Margaret H. Downie did not participate in the consideration of this matter.

Dated: August 15, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on August 15, 2017.

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

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2017-105

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

On _____, I, the Plaintiff, appeared for a hearing, regarding case# _____
The defendant did not show. I was awarded _____ but left the court house feeling confused, and that I had been treated with extreme disrespect.

My concerns are regarding _____
First, since the defendant didn't bother to show up for court, I thought it seemed unusual that I still had to plead my case for _____ or so, to _____ as if the defendant was actually present. Is this normal practice?

Once I was _____ announced that court was adjourned. As I was ready to walk out of the hearing room, I asked the _____ if _____ could clarify some confusion on my part. _____ told me that the court was adjourned, so I had to leave. No questions were allowed to be asked. I tried saying again that I was unclear about what I _____ He said, "
" I said "

?" He said, _____

Since this was my case, I feel I have every right to ask what I _____ and why. The person to ask was _____ since _____ was the one who _____ As I drove away from the court house, I felt like a victim, like I had just _____ and that I had no right to ask any questions regarding what I _____ I was concerned that I may have made a mistake in what I was asking for when I initially filed the _____ with the court, so I looked at this as a learning opportunity. If I had made a mistake, I wanted to learn from it. I didn't learn anything from _____

Backing up to my testimony, I stated to the court that I was _____

The customer wrote us a check for one of those invoices at the time of service, however, the check was lost between the customers place of business, and our office. We contacted the customer, and explained that the check was lost, so we would need to collect payment by check or credit card, whichever he chooses, and that we would pay for any fees he incurs, such as a stop payment fee on the lost check. He never repaid us, plus he never said he attempted to stop payment on the check.

_____ ASSUMED the defendant paid _____ to stop payment on the check. This was part of the decision making process by _____ I know the court system bases its decisions on facts, not on assumptions, so for _____ to assume something like this from a defendant who was not even in court is bizarre to me. He told me that if the defendant had appeared in court, I would have _____ for the defendant not showing up.

_____ called the _____ " Really? First, _____ is assuming I would have won the case. and second. _____ is assuming the defendant would have proven that he paid _____ for a bank fee? _____ cannot possibly know what the defendant would have proven or not proven in court. To this day, we haven't received any correspondence from the defendant since I served him the summons.

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So, I have no idea what testimony the defendant would have presented us.

In closing, this was/is my case, and so i believe it's not too much to ask for an explanation of

Same with my business. Sav I fix _____ a/c unit, then collect money and leave _____ house, calling the job complete. _____ calls me later in the dav to ask what parts I replaced and whv. I sav.

I am asking that you review and consider this complaint, in hopes that this could help prevent from treating other human beings in this manner.

Please feel free to call me if you would like further explanation.

Respectfully,