

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-152

Judge:

Complainant:

ORDER

The complainant alleged a pro tem justice of the peace was biased against her, failed to follow the law, and abused his discretion in upholding a protective order against her.

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).

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: July 19, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were distributed to all appropriate persons on July 19, 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

2017-152

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.

I am writing to complain about justice of the peace _____ and to request an investigation of this judge. He is with _____ Court and he heard cases _____ and _____ which were adjoined on _____

I believe Judge _____ misconduct during these proceedings, in my opinion, had the appearance of bias toward me and favoritism toward the opposing party. As a result, this judge rendered a bias and unfair decision against me and an _____ was ordered against me for no good cause on _____ until it was _____ on _____ by order of the _____ Court under appeal, case # _____ see attachment (1).

Here is what I believe the judge did that constituted bias and judicial misconduct:

1. This judge undermined the rule of law. This judge failed to exercise sound, reasonable, and legal decision-making skills and as a result I suffered emotional distress and mental anguish for while the _____ was in place.
2. This judge also failed to follow court rules and did not administer the oath to the opposing party prior to testimony. Please review the trial recording and you will find starting at the location of the recording _____ where this judge begins the counter-plaintiff's testimony and does not swear him in.
3. This judge made several comments during the proceedings that I viewed as bias and discriminating which are also located on the CD of the proceedings.

Examples:

The judge was asked to take judicial notice of my petition that stated I believed the counter-plaintiff had a _____ and the judge _____ nor _____

Everything that the counter-plaintiff testified to, this judge honed in on everything that could make a case against me. During my testimony, the judge _____ where the opposing party _____ about several other issues about _____ but never once admonished the other party about _____ which was the cause that brought this issue to trial to begin with.

Another example, the judge honed in on was a _____

Also the judge kept " _____ " the counter-plaintiff with what to say to the result that the counter-plaintiff used what the judge told him in his unsworn testimony.

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The judge never focused in on the fact that the counter-plaintiff was violating _____ Instead, he focused in on me and accused me of " _____ " and that I wasn't " _____ ". These leading comments gave the counter-plaintiff words to testify to against me.

At one point the judge was going to allow testimony from the _____ sitting in the court room who had heard all the testimony.

At the time of rendering his decision, he made a biased statement to the counter-plaintiff showing favoritism as follows:

" _____ " _____
He kindly told the defendant, " _____ " "....."

To me he stated, " _____ " _____
admonish me by stating, " _____ " The judges comments didn't stop there. he continued to
".....leave it up to _____ or _____
"....."

Then he states, " _____ " _____
"....."
Then he continues to admonish me about " _____ " _____
"....."

This judge should not have made a ruling for the _____ against me just because the counter-plaintiff said we
The parties don't decide what happens in court.

All he ever tells the counter-plaintiff is " _____ ". He doesn't admonish him about the _____
The judge says nothing to the counter-plaintiff about his repeated violations of the _____
and in fact doesn't even make the counter-plaintiff take off his hat in court or
address him as your honor.

(continued on page 3)

In fact he continues to tell the counter-plaintiff that

which is not true according to the

Additionally, throughout the proceedings, he kept stating that the court was “

”

4. Lastly, and most importantly, this judge abused his discretionary powers to issue an against me when there was no basis in the law to do so as determined by the Court appeal ruling, see attachment (1).

This is a court of law governed by law, rules and procedures and it should absolutely be formal. During the proceedings this judge conducted himself in a manner that led me to believe he was biased and showed favoritism toward the opposing party to the extent that it led to an unfair ruling against me. I believe this judge made this ruling just to even the score.

This judge should not issue orders just because one of the parties tells him to. This judge should have never made such a reckless comment as to with the counter-plaintiff about how a ruling should be decided, just because the counter-plaintiff said so.

The judge abused his discretion and should never have ruled on an against me.

As citizen, subject to the laws of this county, I am not confident in this judge's ability to properly apply the law and rules of the court and remain fair and impartial in matters before him and as I result I do not believe this judge would ever be fair if I was ever before him again.

Please listen to the digital CD recording of the hearing, enclosed. You will hear all the information I have reported here. My only request is that the CD be returned to me at the conclusion of your investigation.

Respectfully submitted,

Encl:
2 CD's