

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-262

Judge:

Complainant:

ORDER

The complainant alleged a pro tem justice of the peace engaged in improper demeanor, failed to allow him to be heard, and allowed a litigant to serve as his own expert witness.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial 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 member Roger D. Barton did not participate in the consideration of this matter.

Dated: January 29, 2019

Copies of this order were distributed to all appropriate persons on January 29, 2019.

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

2018-262

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.

This complaint refers to separate matters i.e. the judge's conduct during the hearing vs. his conduct after the hearing within the hearing. Judge failed to follow established principles of law.

- ① In matters of tort and liability he refused to acknowledge that the statute of limitations starts on the date of discovery.
- ② Thereto, he refused to allow me to argue the case as I was directed to do so by counsel i.e. liability vs. contract
- ③ He refused to allow me to question the defendants or raise objections.
- ④ He allowed the defendant to act as his own expert witness. When I indicated that such was an inherent conflict of interest, Judge on his face pretended not to understand what I meant.
- ⑤ Judge's general demeanor and pattern of behavior suggested a clear bias against me and my case, when he spoke to the defendants he was dignified and polite, when he spoke to me he was cheeky and disrespectful. Such would have been obvious to any objective and disinterested observer.

Judge seemed to lack presence of mind and the ability to concentrate. He was unable to pronounce my last name even when I broke it down syllabically and having repeated it several times. Finally I told him to call me _____ He was also unable to remember the defendant's name. He repeatedly referred to them as _____ even after both I and the defendants corrected them. Such appeared to be reminiscent of someone who was punchy i.e. brain trauma from blows to the head.

When the hearing terminated Judge
the defendants out. When he
he became visibly agitated with me when he
saw me writing his name down. I asked him if he
He said: I asked him if he
He refused to answer and said:
"I got up and room. As I approached
the I sensed someone rapidly approaching me
from behind. When I turned around there was a security
guard standing within inches of my face. Judge
had sent him after me with instructions
i.e."

This cowardly act of abuse of power as well as his bias
is indicative of unworthiness to serve as
a judge. Where there is no integrity or impartiality there
can be no justice; and to these truths I would suggest also
that should this man ever wish to actually become what he
pretends to be, he will have to find a way to get his
intellect and integrity to match his ego.

Considering his lack of character I strongly believe Judge
will be willing to lie in order to vindicate
himself or justify his malfeasance. Should this become an
issue of credibility, I would willing to challenge Judge
to a polygraph test wherein the one who fails
their test pays for the cost of both tests.