

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-321

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace was either ignorant, suffering diminished mental capacity or was biased against her.

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 Christopher P. Staring did not participate in the consideration of this matter.

Dated: February 13, 2019

Copies of this order were distributed to all appropriate persons on February 13, 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

18-321

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.

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I am filing this complaint based upon the numerous irregularities in his performance via his rulings, which were illegal and outside of the boundaries of his authority as judge.

He also refuses to adhere to the Arizona Rules of Civil Procedure and has refused to order his subordinates to do so. He was not the trial judge in this case.

For a judge, he seems to have little knowledge as to procedure, or worse, and in the alternative, may be having a lapse in his cognitive abilities or becoming mentally disabled, or he is engaging in extrajudicial bias an obstruction.

In the following pages, I will document the specific instances in which Judge did not conduct himself in compliance with law.

The following pages provide the details which support my allegations... (cont'd)

Judge complaint. (cont'd)

It is necessary for me to reiterate that Judge was not the trial judge, but he acted as though he was the trial judge. I am alleged a dereliction of duty by Judge

He also clearly misstates law and rules governing the Arizona Rules of Civil Procedure. I know what I can argue on appeal, and I also know what I cannot argue on appeal.

My point in filing this complaint is that Judge has engaged in extrajudicial activities and that he seems to either not know or understand the legal process. And that he is acting in contrast to the the procedures as prescribed by law. I am expressing my concern/opinion that there may be some issue as to a lapse of cognitive abilities and perhaps the beginning of a mental condition such as dementia or early onset Alzheimers, and as only a medical professional can make a diagnosis, it is my hope that he will be ordered to undergo a medical evaluation so as to determine his competence to remain on the bench. In the alternative to a medical problem, it would be my assertion that Judge

is acting with a bias and that he is deliberately obstructing my rights to fairly prepare my appeal via abuse of his authority and discretion. I am alleging that Judge of dereliction of his duties as a judge and as the judge. His responses to motions directly contradict themselves as well as the law, and are maddening.

I also understand that I must take issues which arose during the trial to the court

I am at a loss, however, due to Judge post-trial actions, at just what my

record on appeal consists of.

Since _____ Court retains jurisdiction over my case until my appeal is perfected, filing relevant motions regarding the record is appropriate as _____ Court has no jurisdiction over the case until it is forwarded to them from _____ Court. On numerous occasions, Judge _____ has stated that _____ Court has no jurisdiction which has resulted in chaos within my case as I make legitimate attempts to perfect my appeal. The specific instances which illustrate my point are as follows:

I. Motion For Change of Judge

_____, on grounds of having a possible previous history and bias, I requested that the judge in my case be changed, **as a matter of right**, pursuant to the Arizona Rules of Civil Procedure. The _____ judge was changed to Judge _____. Based upon the same grounds, I requested that Judge _____ be changed to another post-trial judge. (Judge _____ was not the trial judge.) Judge _____ responded that _____ Court lacked jurisdiction because my case is on _____. I had to question that, simply because legitimate motions must be ruled upon by a judge in _____ Court, which makes that ruling only an excuse to not change the judge.

II. Motion to Order Record of Dispositions of Motions During Trial.

In a _____ lawsuit which I voluntarily dismissed in _____ Court, I included the same document, and moved Hon. Judge _____ to seal them, which _____ granted. I filed the same motion for the trial on _____ and during the trial, the Judge _____ granted my motion to seal my medical affidavit and the attached medical exhibits. The

Judge [redacted] allegedly refused to put the ruling in writing. Therefore, evidence of the actual ruling is only available on audio.

I moved the court to provide me with the actual rulings in writing for my [redacted]. And, since [redacted] Court does not offer transcripts, and I cannot afford to have the audio transcribed, I did so myself and noted exactly where the ruling was located on the audio, and quoted the trial judge verbatim in writing. But Judge [redacted] responded in a ruling that that court does not [redacted] exhibits and that it was not the practice of the court to do so. This is patently untrue. He denied my motion, in a sense, “ [redacted] ” **a motion which was granted by the trial court.** I filed for reconsideration, citing the law from the Arizona Rules of Civil Procedure. On [redacted], I filed a “

” But, even though Judge [redacted] had issued a ruling, on [redacted], he responded to the motion as follows:

“ [redacted] ” - Judge [redacted]

Yet, he had just ruled on the motion and actually changed the ruling. My medical information remains unsealed in violation of the Arizona Rules of Civil Procedure.

Since the motion was granted during the trial, it is merely a clerical function to seal them, yet he appears to either not know, a) the law, and/or, b) his role to provide oversight and instruction to the various clerical departments of [redacted] Court.

III. Counterclaim

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**