

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-390

Judge:

Complainant:

ORDER

March 29, 2024

The Complainant alleged a justice of the peace made improper rulings and denied him the right to be heard.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 29, 2024.

2023-390

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 filed a suit in Small Claims Court within the _____ Justice Court, (case number _____), against Defendants _____, _____ and _____.

On _____ defense counsel reportedly motioned the court and requested that this case be transferred from small claims court to civil, (however I was not notified of this until _____ days later on _____ the _____, defense counsel claiming the delay was done in "error").

Upon receipt, I immediately went to the courthouse to concede to the use of attorneys in this small claims case, which to me was obvious from the onset, and file an answer to said defense motion.

However, I was told by one of the many court clerks, that the "judge" had already approved this motion and assigned a new case number for it in civil court... with no notice to me, no 10 days to respond, no hearing, and still to this day, well over a month later, no copy of this order has ever been received by me, the plaintiff, the person who initiated this action.

This was a cut and dry, straight forward small claims court case, and had absolutely no business being moved to civil court, certainly not without proper notification to both parties and prior to a proper and just hearing.

On _____ defense filed a motion to dismiss, not once addressing the actual basis of this case or what had happened, but instead playing the usual games of "_____".

On _____ I filed a motion to amend to include each and every division and subdivision operating under the _____ umbrella, just to appease this obvious attempt at delaying, what should have been, an inevitability... hearing(s) on the motions, a status conference... something... and an eventual trial.

On _____ defense counsel filed more motions, again lacking in any merit, as I filed a release of co-defendants, _____ and _____ upon receipt of a negotiated partial settlement payment.

Then, on _____, out of the clear blue, just 2 business days after the filing of _____ defense counsel's most recent motion, (the court was closed on _____ the _____), I received a phone call from one of the court clerks informing me that my case had been dismissed, with prejudice.

When I tried to ask questions and specifics as to why this occurred and what the order actually stated, I was told in no uncertain terms that this case was closed and nothing further could be done, no appeal, nothing, (which we all know is not true, considering that _____ transferred this case to civil court).

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

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To this day, over a week after this case was unceremoniously dismissed, without any hearings, and without any explanation or justification, I have still not received a copy of this alleged dismissal order by either mail or electronically, which has been the norm for this court, in obvious violation of the rules of legal procedure.

Fortunately, I am a dual resident of the State of _____ so I can file a suit there in small claims court against _____ when I go back to my other home for hunting season, but I should not have to. This should have been handled professionally, objectively and without bias right here in Arizona.

So what is this court's issue with their obvious refusal to schedule and hold hearings? To answer their phone? To adhere to proper procedure by providing parties time to respond? Their refusal to provide delivery of any legal notices or orders? I have been there many times throughout this case, and there is far more staff than persons to wait on. Rarely is there a single person there except for court employees.

Is it laziness? Incompetence? Ignorance? Arrogance? Corruption?? It is this author's opinion that it is an obvious and shameful elitist bias against pro se' litigants by this court, and

I would wager that if a complete investigation were conducted, this court would demonstrate a statistically low percentage, if any, of pro se' litigants whom experience any level of success, justice or relief within these walls, regardless of the facts of their cases or merit.

The ability of the citizens of this country to have their day in court is the bedrock of the foundation of our entire judicial branch of government, and it is paramount to our society being able to settle differences when agreements are violated and compromise cannot be reached, is it not? denied me and my family this fundamental Right, and his audacity in refusing to even provide an explanation is abhorrent behavior for any court, or judge.

One needn't look any further than this court's reviews and ratings online to recognize that I am not alone in this experience, and this abuse of office needs to be addressed. Every tax paying citizen of this state deserves to have their cases handled in a fair, impartial and unbiased matter by a judge who adheres to, and holds their staff to, the utmost level of honesty, integrity and professionalism.

Lady Justice is blindfolded and holds a set of scales and a sword for a reason. Throughout this case, _____ threw the scales aside, stabbed me with the sword, and strangled Lady Justice with her own blindfold, and it is this author's opinion that he should resign in shame and embarrassment for how this court conducts itself.

Thank you,