

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-151

Complainant: No. 1325510098A

Judge: No. 1325510098B

ORDER

The complainant alleged that a superior court judge who received an unusually high number of requests for change of judge according to a newspaper report demonstrates that the judge engages in judicial misconduct. The commission reviewed the allegations and found no evidence of ethical misconduct on the part of the judge. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: August 10, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on August 10, 2010.

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

June 6, 2010

JUN 09 2010

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

Honorable Judge Jan Kearney
Presiding Judge of the Superior Court, Pima County
110 W. Congress
Tucson, AZ 85701

In re: Misconduct of Judge

I am writing to provide you with an opportunity to improve the integrity of the Arizona Judicial process.

During early 2008 I filed a complaint with the Commission (08-003) and subsequently in August 2008 with Presiding Judge Kearney alleging misconduct by Judge during his processing of litigation about misconduct by the Arizona Department of Veterans Services (ADVS) Guardian/Conservator of my father that resulted in significant harm and waste of his assets (PB). I also filed a complaint 07-0027 with the Arizona Supreme Court Administrative office regarding ADVS conduct who subsequently substantiated my claims found that the Conservator-Guardian had acted inappropriately and issued sanctions, 2-year probation and fines.

My essential complaints about Judge were that he failed to perform his duty to enforce performance of the superior court contract with the guardian-conservator and protect the Ward from harm, and that he failed to consider all evidence, instead allowed personal assessments and issues to inappropriately affect his decisions and actions. As a Plaintiff, Pro Per, I found Judge interactions with me were very disrespectful, arrogant and unfair, and resulted in prolonged and significant harm to my father.

The Commission found no misconduct by Judge

Presiding Judge Kearney initially responded that the performance by the ADVS was distressing and disturbing; when I responded that ADVS conduct would not have been possible if Judge had acted appropriately, she responded that Judge had been re-assigned from the Probate to Criminal bench. She declined to respond to my response that the type of law adjudicated was not the essential issue, a Judge that feels that they may ignore evidence and make personal decisions will continue to harm those involved in the process and should be prohibited from hearing cases.

Attached is a recent newspaper article that indicates that is continuing his (mis)conduct, he leads all Judges by far in the number of affidavits filed by attorneys requesting he be dismissed from hearing their case. dismisses the many affidavits assigning cause

to defense attorney bias and his proclivity for tough sentencing. Another example of his self-centered arrogance; 101 attorneys are wrong, he is not biased, they are.

Although Judges are elected, the voters cannot be and are not properly informed regarding Judge Performance by the judicial reporting process. To assure the integrity of the judicial process, and faith of citizens who submit or are subjected to it, I believe that experienced professionals like yourself who are given the authority to do so should act to eliminate even the appearance of impropriety in the judicial process. As above, it is not appropriate to dismiss the actions of more than 100 professionals, a substantial indication that something is amiss.

It should be obvious that other professionals within the legal profession share my position that it is time for to step-down; should not be allowed to practice as a Judge. Please remove Mr. from any judicial position. Although I find it inappropriate that he continue to benefit from public funds, if necessary assign him to administrative tasks and limit the damage he can cause.

Sincerely,

Attachment, 2-pages, AZ Star 5/30/10 & 5/31/10 Articles