

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-272

Complainant: No. 1183910737A

Judge: No. 1183910737B

ORDER

The complainant alleged that a superior court judge engaged in improper ex parte communications, failed to rule on a motion, and demonstrated a clear bias against her. After analyzing the complaint and viewing the video recording of the hearing, the commission found no evidence of ethical misconduct. The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: December 10, 2010.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

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

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

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Date: 10/10/2010

A judge is restricted as to other aspects of his or her position including prohibitions against:

1. Engaging in private conversations which may influence his or her judicial actions; Judge discussed this case with Plaintiff's atty prior to the hearing.
2. Conducting proceedings or discussions involving one party to a legal dispute, which are known as ex parte communications; Prior discussion with Plaintiff's atty.
3. Displaying obvious bias toward a party; when I refused to answer an inappropriate/illegal question posed by Plaintiff's atty Judge ordered me to answer it anyway.
4. Yuma County Superior Court did not have personal jurisdiction over me, which was brought to the Court's attention in a Motion I filed pointing out that fact. My motion was never ruled on or even addressed during this hearing.
5. Judge openly allowed testimony by Plaintiff that was clearly and blatantly hearsay, but used it to make his ruling anyway.
6. Judge permitted Plaintiff's atty to violate my rights regarding past criminal history, even though I objected.
7. Judge was clearly biased and prejudiced towards me, Defendant, i.e., not only did he not have jurisdiction over me, the Plaintiff's Petition included events that did not occur in Yuma County, were over the 12 month time limit, and the Plaintiff had no actual, first-hand knowledge of the allegations in the Petition.
8. It was clear that Plaintiff's atty and Judge had discussed this case prior to the hearing; Hearing date was set and then changed, without notifying me, either by the Court Clerk or Plaintiff's atty. I found out about the change when I appeared, telephonically, for the scheduled hearing, that Plaintiff's atty had requested a continuance.
9. Plaintiff's atty did not file an objection to my Motion to Quash/Dismiss; Motion should have been granted.

The first question raised will be, "Why didn't you file an appeal?" I believe after watching the enclosed transcript it will become abundantly clear why I didn't file an appeal. In addition, to facing the bias and prejudice of another "hearing," the outcome of which was predictable, I did not have the funds to pursue an appeal.

Please review the enclosed electronic transcript of this hearing, obtained from the Yuma County Superior Court Clerk. Please, actually look at it, it substantiates my complaint.