

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-297

Complainant: No. 1431810087A

Judge: No. 1431810087B

ORDER

The complainant alleged that a justice of the peace was biased and made improper public statements about potential cases.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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.

After reviewing the allegations and the judge's response, the commission decided to dismiss this matter with a private comment to the judge reminding him of his obligation to comply with Rule 2.10 of the Code of Judicial Conduct. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: March 15, 2012.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on March 15, 2012.

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

STATE OF ARIZONA

COMMISSION ON JUDICIAL CONDUCT

1501 W. WASHINGTON ST, SUITE 229

PHOENIX, AZ. 85007

RE: COMPLAINT AGAINST JUDGE

I am the president and owner of _____ Co. located at _____ My company has had many cases heard in the N. Mesa Justice Court as we file civil complaints regarding defaulted purchase money security agreements. We do not believe we receive rulings under the law in the referenced Court. Judge _____ is biased and prejudiced as it relates to _____ Company. I have attached a recent article published by the Arizona Republic newspaper which included inflammatory remarks by Judge _____ that were harmful to the company. His comments were completely inappropriate and clearly demonstrate his personal bias. He should be censured for his comments.

It should be clear to anyone reading his comments that it is impossible for _____ Co. to get a fair, unbiased decision in his court room. We have many examples of decisions made in cases where he has refused our motions for oral argument and simply dismissed cases without his facts or findings. He has repeatedly refused to provide his facts & findings simply by declaring that in HIS COURT, this is how it is. Without his facts and findings, it is impossible to challenge his rulings.

We formally request that he be excluded from ruling on any case for _____ including those cases where he may have made a previous ruling. There is no question that his personal bias outweighs his ability to apply the law of the State of Arizona in a consistent and logical manner.

The Company has read with interest the standards for Judicial performance. In my opinion, Judge _____ does not meet the requirements for at least the first three standards in terms of ruling on _____ Company cases. Since he refuses to provide facts & findings, he clearly fails the standard of "providing prompt rulings that can be understood & makes decisions that demonstrate competent legal analysis".

Finally, our review of the process regarding filing a complaint states that we must allege an act of judicial misconduct. We are not sure how to characterize his behavior as it relates to our company. His bias is such that his actions are certainly willful. Does that qualify as willful misconduct or is his behavior a violation of the Arizona Code of Judicial conduct? Regardless, Judge _____ has intentionally made inappropriate and destructive comments in private, but more importantly in public regarding _____ Company. It is imperative that he be instructed to discontinue public comment & that he be removed from ever ruling on a _____ case in the future.

Respectfully submitted