

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-009

Complainant: No. 1434010059A

Judge: No. 1434010059B

ORDER

The complainant alleged that a pro tem justice of the peace failed to listen to his testimony or consider his evidence before ruling on his small claims case. He also alleged that a justice of the peace acted improperly by denying his motion for oral argument so that he could obtain an explanation of the small claims ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judges' rulings. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: February 3, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed
to the complainant and the judge
on February 3, 2012.

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

Complaint against a judge

Your name:

Judge's Name :

Date:12/27/11

On 9/30/11 I had a small claims trial with small claims official Mr. acted indignant from the beginning of the trial. My case was based on fraud but Mr. denied my attempts to prove fraud on more than one occasion during the trial. He seemed to have his mind made up before the trial even occurred. He did not appear to consider any evidence that I exhibited or even to listen to any of my testimony. He appeared bothered that I was taking his time. He simply glanced at the exhibits and seemed to disregard them. The case concluded with Mr. mentioning the warning of buyer beware. Mr. told me that he will postpone his judgment to do some investigation and we will be notified of his ruling by mail. Mr. dismissed my case and filed the paperwork on 9/30/11. Since my trial was in the afternoon of 9/30/11 I do not believe he took any time to consider my testimony or evidence and simply dismissed the case.

After receiving notification of the dismissal I contacted the court to express concerns but was told that no correspondence was available to me and the only means of communicating with Mr. or the presiding judge was to file a motion. I filed a motion requesting an oral argument explaining my concerns that Mr. ruled in error since I believe he considered this a buyer beware case. I expressed in this motion that the warning of buyer beware does not shield the seller from fraud or bad faith dealing by making false or misleading representations according to West's Encyclopedia of American law edition number two and Mr. dismissal of my case on this grounds was done in error. Judge reviewed my motion and denied it. After notification of the denial was received I contacted the court once again to determine if there was any correspondence available to me to discuss this with Mr. and Judge. During the conversation with a court clerk I explained my concerns and Mr. notes were reviewed and I was told the dismissal was based on the grounds that I failed to prove my case. Once again I was told no correspondence was available to me other than filing a motion.

Once again I filed a motion requesting an oral argument with Mr. and Judge requesting a meeting to discuss my concerns. Once again my request was denied citing rule 60(a) ARCP was not met. Not having any significant legal training or knowledge I looked this rule up but it did not seem to apply.

Even in a small claims situation and possibly more so court officials should be expected to operate with professionalism since lawyers and other trained officials are not readily available. Instead I believe Mr. and Judge used their knowledge of the system to complicate the matter and deny justice. My frustration with this case does not come primarily from losing but what is more concerning is the conduct of Mr. and Judge denying justice and using their power and knowledge of the system to do so. Mr. and Judge behavior seems to be ethically wrong and they should be held accountable for their actions.