

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-040

Complainant: No. 1435510864A

Judge: No. 1435510864B

ORDER

The complainant alleged that a pro tem justice of the peace failed to timely advise him that a default judgment taken against his wife was vacated and, had he known he would not have settled with the plaintiff. He further alleged that the judge did not respond to his concerns about the ethical conduct of opposing counsel.

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 information provided by the complainant, along with various electronic court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 6, 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 March 6, 2012.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2012-040

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 02/04/2012

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

Approximately on June 29, 2011, I was served with a summons to answer to a complaint. In the complaint, Plaintiff alleged: II Defendant(s) are residents of the state of Arizona and, at all times material hereto, Defendant, , was acting on behalf of and for the benefit of his marital community, if any.

I denied plaintiffs claim as to marital community and believed that a judge had to decide whether or not it was true, or that, during trial, it would be determined either way. Because I only included myself, not my wife, because she was not involved in the matter, I responded on my own behalf. Time elapsed, and plaintiff requested a Default Judgment against my wife. I responded to this, stating my wife was unaware of the matter. The plaintiff's attorney responds to me that I was illegally practicing law. I requested to the judge that the attorneys violated Bar Rules ER 4.3 and 4.4. She did not respond.

When my wife appeared in court, there was suppose to be a mediation hearing with a mediator present. I went to the window and was informed that the mediator would not be present. I asked why and was told they didn't know. I asked if the judge had yet responded to my last request, and holding the case folder near her head, had said no. During the meeting with the Plaintiff and his attorney, they admitted the judgment against my wife still stood.

Upon arriving home, I received the response from the judge in U.S. Mail that she in fact vacated judgment. If I had of known this, I would not have settled, in fact, I wanted to go to trial to disclose fraud.

As a note, I provided as a counter to Paragraph II, Wisner v. Wisner, where it was ruled that an Educational Degree and Licenses were not community property. Also, Arizona Revised Statutes states: A person is not liable on an instrument unless: 1.) The person signed it.

(Attach additional sheets as needed)