

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-237

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge in a civil case was prejudiced against self-represented litigants, had denied him due process, and that the judge allowed the matter to proceed in an inconvenient forum.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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(a).

Dated: November 16, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie
Executive Director

Copies of this order were distributed to all appropriate persons on November 16, 2017.

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

FOR GENERAL PUBLICATION

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

COMPLAINT AGAINST A JUDGE

COMPLAINANT

COMPLAINT FILED AGAINST

The Arizona Code of Judicial Conduct (ACJC) Rule 1.1 "a judge shall comply with the law, including the Code of Judicial Conduct."

Rules of Professional Conduct are included in this complaint.

ER 4.1 Truthfulness in Statements to Others

Legal professionals shall not knowingly:

- (a) Make a false statement of material fact or law to a third person; or
- (b) Fail to disclose a material fact when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client,

The judge has been made aware of criminal activity of | . This criminal activity was presented to the court in the . It was pointed out to the court that a document of full reconveyance was recorded in favor of | . It was pointed out to the court that the Plaintiff did not have equitable interest in the that they were asking the court to grant a on. The court's claim on is not a just reason for granting the Plaintiff the right to Defendants' residence without full due process of law. The judge's act of granting a on some kind of claim of is a taking of Defendants' right to Due Process of Law. It substantiates the claim of bias and prejudice. The criminal activity of has far more legal precedence than the judge's claim of ' . The ' claim by the judge can only be interpreted as a support of criminal activity of the Plaintiff and a bias and prejudice attitude toward the Defendants. It appears the judge intends to cause the Defendants not to have a just and fair trial.

Definition of law: "encompasses court rules as well as ordinances, regulations, statutes, constitutional provisions, and decisional law."

Arizona Constitution Article II Section 3: Supreme Law of the land "The Constitution of the United States is the supreme law of the land."

Due process of law: "No person shall be deprived of life, liberty or property without due process of law." The Defendants have requested a jury trial. Judges who make rulings that take property rights from people is a violation of due process of law.

Arizona Constitution Article II Section 23: Right to a trial by jury. The Supreme Law of the land, "Constitution of the United States of America, Amendment VII Trial by jury and Due process of Law."

These are some of the laws of justice that good judges honor and promote to assure that the general population receives justice.

has violated a number of (ACJC) Rules, such as Rule 1.1 .

This judge demonstrates bias and prejudice toward people that file pleadings in his court as Pro Se. claims the argument of giving Pro Se filers a wide latitude when construing pleading and papers does not apply in his court. In his order, dated , on the second page, in the second paragraph, he claims that this argument is not supported by any legal authority. In Defendants' Response to Application For Entry of Default on page 2 lines 29-32 and page 3 lines 1-6, legal authority S.E.C. vs. Elliot, 953 F.2d 1560, 1582 (11th Cir. 1992) was cited to this judge. (Poling vs. K. Hovnaian Enterprises, 99 F. Supp.2d 502, 506-07 (D.N.J. 2000) was also cited. Your investigation of the documents should support the Defendant's belief that this judge is bias and prejudice and the Defendants cannot obtain a fair and just impartial trial or ruling. This judge's false statement is a violation of the Rules of Professional Conduct. ER 4.1.

(ACJC) Rule 1.3, "A Judge shall not abuse the prestige of judicial office to advance the personal or economic interest of the judge or others, or allow other to do so."

Substantial evidence exists, such as documents showing the Defendants canceled the that this judge is using to make a . Documents show that the lien was paid in full. It was presented to the court that sold their equitable interest in said Deed of Trust. is asking to create judicial rulings that will transfer Defendants' property to them. The judge and the attorneys are knowledgeable of facts that had no equitable interest in the property at the time of filing the . These attorneys are violating Rules of Professional Conduct ER 4.1. and violating their sworn oath as attorneys. They are asking this judge to use his power as a judicial officer to take a disabled veteran's property from him without granting him due process of the law. Your investigation should reveal evidence that shows these attorneys have not refuted these claims

(ACJC) Rule 2.2 Impartiality and Fairness

The order issued by _____ is evident in its content that there is impartiality and the Defendants will not be treated with fairness. The paragraph in the order dated _____ that starts with "the court further cannot assert....." is pretty clear that the Defendants cannot file any kind of pleading that this judge will rule in their favor. It appears that he will unfairly misuse his powers to grant the Plaintiff a summary judgment if his rulings are disputed.

(ACJC) Rule 2.3 Bias, Prejudice and Harassment

It is very easy to see there is some bias and prejudice occurring. There are other abnormal happenings or occurrences in this case. The _____ are divided up into divisions. The _____ serves the people in that area. _____ serves the people in that area and _____ serves the people in the _____ area. The judge or the attorneys had this case heard in this judge's district, which is in _____. Your investigation should discover this act as an abnormal procedure. This act creates a hardship on the Defendants because they have to travel approximately _____ round trip to the court. Since this judge knows that the Defendants live in _____, in all fairness, he had a duty to transfer this case to _____. It is the Defendant's belief that when this Commission investigates this issue they will find more evidence that the Complainant cannot obtain a fair and impartial trial.

The Complainant asks this Commission to investigate all possible areas of the laws that have been stated and if there is any indication of a misuse or violation of a law, the Complainant asks this Commission to dismiss this judge from this case.

Copy of judge's oath: This judge took his oath _____. In the beginning of his judgeship he may have bared allegiance to the Constitution of the United States and the Constitution and laws of the State of Arizona, but this complaint truly provides evidence that the oath has been abandoned. The Arizona Commission on Judicial Conduct has a duty to conduct an investigation when evidence of a bad judge is presented to them. The complainant asks this Commission to dismiss this judge from this case.

Copy of judge's order dated _____
Dated _____