## State of Arizona COMMISSION ON JUDICIAL CONDUCT

	Disposition of Complaint 10-321	
Complainant:		No. 1374310321A
Judge:		No. 1374310321B

## ORDER

The complainants alleged that a superior court judge should have disqualified himself based on a federal lawsuit they filed naming the judge as a material witness in their case. They further allege the judge failed to give notice of a hearing and unfairly proceeded in their absence. The commission reviewed the matter and found no evidence of ethical misconduct on the part of the judge. Litigants cannot force judges to disqualify themselves by filing lawsuits against them. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: January 24, 2011.

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on January 24, 2011.

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

DEC 03 2010

1	STATE OF ARIZONA COMMISSION ON JUDICIAL CONDUCT		
2	In Re:		
3	Complainants:		
4	}		
5	<b>\</b>		
6	Judge: COMPLAINT		
7	)		
8	Coconino County Superior Court		
9	FACTS AND PROCEDURAL OUTLINE		
10	1. A hearing was scheduled by judge of Coconino County Superior		
11	Court, for November 19, 2010.		
12	2. On November 8, 2010 Complainants filed notice of change of judge for cause		
13	pursuant to ARS 12-409(B)4 in light of a federal action filed by Complainants in		
14	which will be called as a witness. Exhibit 1.		
15	3. Pursuant to ARS 12-409(A) once an affidavit for change of judge has been filed		
16	"the judge shall at once transfer the action to another division of the court."		
17	failed to transfer the matter in question.		
18	4. Pursuant to ARCP Rule 42(f)3(A) once an affidavit for change of judge has		
19	been filed the judge "shall proceed no further in the action." failed to		
20	comply with procedural law and proceeded to rule in excess of jurisdiction.		
21	5. Pursuant to the "self policing" object? of the Codes of Judicial Conduct		
22	(2010) and including but not limited to Canon 2, 2.2 "a judge shall comply with		
23	and apply the law." failed to do so.		
24	6. On November 15, 2010 faxed to complainants a demand for a copy of		
25	the federal complaint in question, stating that before he would recuse himself in		
26	this case, he wished to be provided a copy of the complaint. Exhibit 2.		

- 7. Such a demand is an abuse of discretion, illegal and contrary to statute relative to change of judge for cause, which mandates that a judge proceed no further and at once transfer the matter to another division of the court.
- 8. On November 18, 2010 Complainants sent a 28 page fax to inclusive of the federal complaint in question. *Exhibit 3*.
- 7. On December 1, 2010 Complainants received a copy of minute entry for the proceeding of November 19, 2010, illegally adjudicated by and contrary to the statement made in *Exhibit 2*, that is, that he would disqualify himself upon receipt of the federal complaint in question, which he did not.
- 8. ruled in excess of jurisdiction.
- violated self policing policy as set out in the Codes of Judicial
   Conduct.
- 10. In retaliation for filing a federal action, illegally ruled on matters in this case, contrary to statute and procedural law as herein mentioned.
- 11. We request the commission appropriately investigate and deliberate this matter.
- 12. We request the commission appropriately sanction for 1) retaliation,
- 2) a blatant disregard for conduct rules, 3) a disregard for his duties and responsibilities as provided by law, 4) deliberately ignoring procedural, statutory and constitutional law relative to due process, ethical conduct and change of judge for cause.

DATED: December 1, 2010