

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-162

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge was biased against him, was incompetent, and made several improper rulings in a civil matter.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Commission member Anna Mary Glaab did not participate in the consideration of this matter.

Dated: November 14, 2018

Copies of this order were distributed to all appropriate persons on November 14, 2018.

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

Comp

2018-162

BEHOLD the Arizona Code of Judicial Conduct. Courts and lawyers must abide by laws.

ARIZONA CODE OF JUDICIAL CONDUCT

Canon 2. A judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.15 Responding to Judicial and Lawyer Misconduct (page 21)

(A) A judge having knowledge that another judge has committed a violation of this code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge shall inform the appropriate authority. (the Commission on Judicial Conduct). (or State Supreme Court)

(B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer shall inform the appropriate authority. (the Arizona State Bar)

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this code shall take appropriate action.

(D)) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.

(E) Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the judge or lawyer's honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or of members of the legal profession undermines a judge's responsibility.

(F) A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating

that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation or reporting the suspected violation to the appropriate authority or other agency or body.

RULE 2.16. Cooperation with Disciplinary Authorities

(A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

(B) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

(C) Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in paragraph (A) , instills confidence in judges' commitment to the integrity of the judicial system.

ARIZONA CODE OF JUDICIAL CONDUCT

CODE VIOLATIONS

Court Judge

DISCRIMINATION AGAINST DEFENDANT

THE COURT SUPPRESSED EVIDENCE

Judge did not allow vital evidence from the defendant to be part of the case. The defendant's Motion *Delinquent Assessment Dispute* The judge's minute entry says: IT IS ORDERED THAT the court Takes No Action.

THE COURT DENIED AN ATTORNEY

The defendant filed a pleading: *Motion For A Hearing Oral Argument Between Attorney*, where oral arguments would take place between attorneys who would argue and dispute the disagreements and controversies over the assessments for and .

The court denied the hearing

THE COURT UNJUSTLY RULES IN FAVOR OF PLAINTIFF

Court's MINUTE ENTRY *Matter Under Advisement Ruling*.

6. Between the months of through regular assessments, totaling \$ were imposed against
7. The only payment made between the months of and was delivered on in the amount of \$

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COMPLAINT ON ITS WEBSITE.**

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REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**