

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-219

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made contradictory and improper rulings, and that the judge failed to properly review the court file or deliberately ignored a pleading in a civil case.

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 Art Hinshaw did not participate in the consideration of this matter.

Dated: October 18, 2018

Copies of this order were distributed to all appropriate persons on October 18, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

18-219

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

At a hearing on _____ Defendants _____ and _____ testified that they had been represented by attorney _____. In this case _____ had filed a Motion to Dismiss for all of the Defendants in _____. Subsequently _____ filed a notice, _____ after the court requested it, that he did not represent anyone in the case. However, in a Minute Entry dated _____ Judge _____ stated that as a matter of law _____ was the attorney for all of the Defendants. However, at the hearing on _____ Judge _____ again changed his position and stated that _____ was only filing a Motion to Dismiss and did not represent them. It appears that Judge _____ was either acting as defense counsel for _____ or trying to defend the Judge's failure to abide by the Arizona Rules of Civil Procedure regarding appearance of counsel.

Plaintiffs were _____ but in a Minute Entry dated _____ Judge _____ stated that he did not have a proposed form of judgment. In a Minute Entry dated _____ Judge _____ stated he was unable to find a proposed judgment dated _____. Attached are _____ pictures of the court file showing the proposed judgment dated _____ in the court file along with an envelope to return the signed judgment to the attorney. Judge _____ either ignored the order or failed to properly review the file, the order being on top of the file documents.

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