

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 08-219

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Complainant: No. 1140310479A

Judge: No. 1140310479B

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**ORDER**

The commission reviewed the complaint filed in this matter and found no ethical misconduct on the part of the judge.

The complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: October 2, 2008.

FOR THE COMMISSION

Keith Stott  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 2, 2008.

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

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

FOR OFFICE USE ONLY

CJC - 08 - 219

### COMPLAINT AGAINST A JUDGE

Date: 8/27/08

**Instructions:** Describe in your own words what the judge did that you believe constitutes misconduct. Please provide all of the important names, dates, times and places related to your complaint. You can use this form or plain paper of the same size to explain your complaint, and you may attach additional pages. Do not write on the back of any page. You may attach copies of any documents you believe will help us understand your complaint.

A hearing occurred after a continuance was denied. In an arbitrary and capricious manner, the hearing was scheduled in less than 7 days. This was supposed to be an evidentiary hearing, where Commissioner allowed no evidence and no one to testify. The pleading I filed was in response to a motion to dismiss from attorney who should have been disqualified being a material witness and a party to a lawsuit. Instead of taking dismissal issue under advisement, Commissioner as an abuse of discretion continued on to address the dismissal issue, even though all pleadings from attorney should have been stricken being disqualified and never filing a notice of appearance.

This case came to Commissioner as a result of a pleading filed by myself for a change of judge from Commissioner because of previous issues in a litigation. Also the main reason for a change of judge was pursuant to A.R.S. 12-213, which states a commissioner does not have authority to preside in probate matters. THIS MATTER HAS TO BE HEARD IN FRONT OF A JUDGE! A Motion of reconsideration for a change of judge was requested and Judge refused in violation of A. R.S. 12-213. As per the guidelines of the rules of court, the pleading was delivered to the judge, not who answered the pleading regarding the change of judge issue was refused to stay with Commissioner and not to a Judge. This complaint is about an abuse of discretion by Commissioner continuing to act and by Judge not following A.R.S. 12-213 to refer matter to a judge not a commissioner, being a probate matter dealing with real property that was fraudulently conveyed

Included is the current docket from the internet.

In the case of Hornbeck vs. Lusk is a recent matter that the court of appeals ruled that an abuse of discretion occurred when matter not referred to presiding judge for a change of judge matter.

This complaint is made regarding Triers of Fact behavior, not any decision which was clearly an abuse of discretion acting in an arbitrary and capricious nature.

In conclusion, I commend Commissioner for being respectful and courteous.

(Attach additional sheets as needed)