

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-228

Complainant: No. 1371710784A

Judge: No. 1371710784B

ORDER

The commission reviewed the complaint filed in this matter and found no evidence of ethical misconduct on the part of the judge. Both parties were represented by counsel who had ample opportunity to bring any unfinished business to the attention of the court before the judge finally ruled. Accordingly, the complaint is dismissed pursuant to Rules 16(a) and 23.

Dated: February 24, 2010.

FOR THE COMMISSION

\s\ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on February 24, 2010.

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, AZ 85007

Complaint Against A Judge

Name: _____ Judge's Name: _____
Date: August 28, 2009

In October of 2002, _____ told me that _____ informed him that they controlled judges in Pinal County and any legal actions in Pinal County would be decided in _____ favor. I was told by _____ that _____ repeated the above statement to him in March of 2003—also witnessed by _____ and further _____ again repeated the same message to Mr. _____ in May of 2003 at the _____ office.

On August 21, 2008, a motion for more time to conduct discovery was filed and Judge _____ refused to rule on the motion.

On September 10, 2008, at a hearing on a Motion for Summary Judgment that involved critical issues in the case, Judge _____ informed the parties that he had not reviewed the motions prior to the hearing, and then he ruled from the bench without having reviewed the motions that had been filed.
See Transcript 9/10/08 Hearing pg.5, line 22 – pg. 6, line 4.

Also, on or around September 10, 2008, _____ filed a motion to disqualify the key opposing expert who provided the basis for the Judge's ruling regarding the September 10, 2008 hearing. Judge _____ never ruled on the motion to disqualify.

Additionally at the September 10, 2008 hearing Judge _____ allowed all parties in the case to amend their pleadings. However, the opposing parties would not stipulate to the _____ amendments and required _____ to resubmit a Motion to Amend. *See Transcript 9/10/08 Hearing pg. 46, line 14 – pg. 49, line 18.*

When Judge _____ finally ruled on the Motion to Amend four months later on March 2, 2009, he denied the motion on the basis it was dilatory despite allowing the other parties to the action to amend their pleadings and bring new parties into the suit. *See Notice/Order 3/9/09.*

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Complaint Against A Judge

Name: _____ Judge's Name: _____
Date: August 28, 2009

Recently, on August 24, 2009 Judge _____ engaged in email correspondence with opposing counsel, _____ regarding the merits of a proposed form of order. *See Emails attached.*

Judge _____ actions are biased and not befitting the decorum required by the rules of civil procedure.

Judge _____ actions negatively impacted our ability to conduct discovery and present our case to the court. It is believed these actions were intentional.