

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 12-041

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Complainant: No. 1435610964A

Judge: No. 1435610964B

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**ORDER**

The complainant alleged that a superior court judge demonstrated bias against him by making several erroneous rulings in his dissolution case, not allowing him sufficient time to prepare for trial, and by using an abrasive tone of voice in court.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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.

After reviewing the information provided by the complainant and various electronic court records, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission does not have jurisdiction to investigate the legal sufficiency of the judge's ruling. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 5, 2012.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on April 5, 2012.

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

## Complaint #1

On 9/30/2011, I filed a motion objecting to the acceptance of service of a summons for divorce that I felt was improperly served with JUDGE [redacted]. The objection stated that the process server is supposed to identify themselves and hand the papers to the party. This was not done, the process server did not see me or properly verify my identify or themselves. The process server just left the papers in the screen door and left. I have a witness verifying that I had no contact with the process server. As stated, in publication GN21h-042210, PAGE #2, paragraph (B), the process server is supposed to hand the party the summons properly. JUDGE [redacted] did not respond to my objection until 11/7/2011, in FORM D700 RESOLUTION MANAGEMENT CONFERENCE SET, when he stated that the objection would be addressed the RMC meeting, scheduled for 1/11/2012. On 12/7/2011, I filed a petition for reconciliation counseling. On 1/11/2012, the judge denied my objection on the service of summons, stating it was properly served. I asked about my petition for conciliation counseling petition and I was told that the paperwork had been sent to me. I stated that I had not received it. That's when the petitioner's attorney handed the papers to me, stating it was returned to him, stating the papers were sent to [redacted] when in fact it was addressed to [redacted]. In the papers, it stated that my petition was denied because the 60 day limit had expired. The problem I have with this decision is because the judge did not act on my motion until 100+ days from the filing date. With the judge waiting so long, it has denied me my request for reconciliation court, because I was waiting for action on my objection petition.

Also, in the minute entry of 11/7/2011, it clearly states that parties are to meet prior to the RMC MEETING to resolve as many issues as possible. It also states that if the parties have not met prior to the RMC, that they shall meet at the court room (1) hour prior to the scheduled RMC. This did not happen, I was there (1) hour prior and the other parties did not show up. I addressed this fact to JUDGE [redacted] and he just quickly passed over the issue and continued onto something else.

## Complaint #2

As the meeting was concluding, JUDGE [redacted] asked the clerk for a trial date. He then asked me if that date was okay, I told him I would have to check my calendar. The judge stated that it was going to be on that date, end of discussion. I heard the judge say FEB 3<sup>RD</sup>, 2012. I was still thinking that date would be okay. I knew I had something scheduled close to that date. As the judge was leaving the courtroom, he stated he would see us in the courtroom on FEB 2<sup>ND</sup>. I spoke up to say that I indeed had an appointment scheduled for FEB 2<sup>ND</sup>. The judge stated, rather abrasively, that if I didn't show up that the case would be dismissed. I filed a motion to change the trial date and it was approved.

## Complaint #3

I am questioning the prompt action by JUDGE [redacted] to set the trial date only 3 weeks after the RMC MEETING. Sources tell me that this quick trial scheduling seemed out of the ordinary, as if the petitioner's attorney has asked for special consideration to end this trial quickly. This case is scheduled for trial on FEB 17<sup>th</sup>, 2012.

I have been told, on good authority, that JUDGE [redacted] can get very moody on the bench and does not like to be challenged by a respondent that is self-representing themselves because they are attorneys.

I feel JUDGE [redacted] is prejudiced himself against me by his actions in the courtroom, his abrasive tone of voice, not following printed court procedures and I feel he was annoyed by my answers in his questioning of me, on the stand, regarding my objection to the service of summons issue. I have an audio recording of the proceedings.

I am asking for JUDGE [redacted] removal from my case and a different judge be appointed.