

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-210

Complainant:	No. 1439710156A
Judge:	No. 1439710156B

ORDER

The complainant alleged a superior court judge engaged in unethical conduct when an order filed on July 25, 2012, appeared in the court's electronic case management system on July 23, 2012.

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, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The court administration order (150 Day Order) is dated July 21, 2012, but was not officially filed until July 25, 2012. That the order appeared in the court's electronic case management system on July 23, 2012, does not involve a judicial ethics issue. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: August 31, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on August 31, 2012.

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

JUL 25 2012

1. Your name:
2. Mailing address:
3. Daytime Telephone: All correspondence to be done in writing please.
4. Judge's Name:
5. Court: Superior Court
6. Did you have a case before this judge? NO
7. I understand the limitations of the Commission on Judicial Conduct.
8. I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true:

My complaint against Judge _____ is related to case CV _____ This case is showing, as of 7-23-2012, a filing on 7-25-2012. Since 7-25-2012 has not occurred yet as of this writing I find this to be an anomaly that should not have been allowed to happen. Since this case is under the supervision of Judge _____ I can only conclude that Mr. _____ approved the filing of the 150 day minute entry in such a way as to allow it to happen in the future.

I believe it is not ethical for a government employee to authorize the placement of information that cannot possibly be correct on the internet. I have reasonable grounds to believe that the information being displayed on 7-23-2012 for case CV2012- _____ is not correct.

On 7-23-2012 at 1:45pm I called telephone _____ and spoke to _____ about my concern. Mary explained to me that the minute entry will go out on 7-25-12. She said there is no image of the document yet, and that the minute entry actually arrived on 7-21-12. I find it hard to believe that a document could have been filed on Saturday, 7-21-2012, with regard to this case. That alone tells me that someone has been modifying and/or falsifying the filing date to be 7-25-2012. Your system should be smart enough to prevent future-dated filings, since there can be no such thing as a future filing. Either you file something today, i.e. right now, or you don't.

For example, I cannot write you a letter, and date it 2 days from now because I'm writing it today, not 2 days from now. I cannot go to a small claims court and turn in lawsuit paperwork that is future-dated for next week because I would be turning it into the court today, not next week. I'm pretty sure I would not receive a traffic ticket from a police officer that was future dated for some offense I'm going to commit in the future. Bearing that in mind, I just have to ask: Why is it that Judge _____ can date a filing 2 or more days into the future?

My interest in this case stems from the fact that I was served with paperwork in this matter. The party who Mr. _____ erroneously and unethically authorized alternative service for **is not me**, yet the paperwork was taped to my front door. I filed a previous complaint about that earlier this year which you may want to reference when considering this complaint.

See attached printout as the case history for CV2012- _____ appears on 7-23-2012 at 2:20pm.

Regards,