

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-293

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Judges:	No. 106841036714800A
Complainant:	No. 106841036714800B

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**ORDER**

The complainant alleged that two superior court judges improperly consolidated his domestic relations case with another pending case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judges 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 review, the commission found no evidence of ethical misconduct and concluded that the judges did not violate the Code in this case. The commission does not have jurisdiction to review the legal sufficiency of court rulings. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 18, 2013.

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judges on December 18, 2013.

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

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

**FOR OFFICE USE ONLY**

2013-293

**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 you believe 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.

On \_\_\_\_\_, Petitioner in Case No. \_\_\_\_\_ initiated a child support case in the \_\_\_\_\_ Court. More than \_\_\_\_\_ days had passed and service had not been effected. In addition, Petitioner did not file an extension. It is Respondent's position that the matter should have been dismissed since nearly a year had passed and service was not effected. Petitioner's position was that she was unaware that she had to file an extension. Assuming that the \_\_\_\_\_ Court would correct its error and dismiss the case, Respondent initiated a support/custody case in \_\_\_\_\_ County Court, Case No. \_\_\_\_\_ before Judge \_\_\_\_\_. Service was effected via certified mail . Respondent in Case No. \_\_\_\_\_ obtained counsel and \_\_\_\_\_ was informed by said counsel that a matter was pending in \_\_\_\_\_ . Petitioner informed \_\_\_\_\_ and counsel that service had not been effected and therefore the matter in \_\_\_\_\_ should have been dismissed. After speaking with the clerk of the \_\_\_\_\_ Court to verify same, Respondent was informed that the file "was just sitting on someone's desk and that nothing had been done in a while". She stated that the case should have been dismissed and that notice would have been sent to Petitioner notifying her that the matter would be dismissed if service was not effected within a certain amount of time. She stated that if service was still not made, "as a courtesy we notify the party that they have a certain amount of time to serve the other person. But, since it was Petitioner's filing, it is really up to her if she wants to dismiss the case". In the meantime, the \_\_\_\_\_ matter was proceeding forward. Shortly thereafter, counsel filed a motion to consolidate both cases in \_\_\_\_\_ Respondent submitted an objection to the consolidation citing improper service. To date, Respondent never received notice of hearing on the motion. Now Respondent has learned that Judge \_\_\_\_\_ granted the order to consolidate WITHOUT a hearing and that \_\_\_\_\_ has stayed all of its prior orders. \_\_\_\_\_ has since notified Respondent of a hearing scheduled for \_\_\_\_\_. However, it is not for the consolidation. Despite objections and documentation substantiating Respondent's claims, Judge \_\_\_\_\_ refused to dismiss the matter. Respondent's position is that he should not be held accountable for the court's mishandling of the matter. It is Respondent's position that if Petitioner wanted to continue the case, proper service should have been made in a timely manner. It was not \_\_\_\_\_ and therefore it should have been dismissed or, in the alternative, after dismissal, a motion to reinstate should have been filed. In the instant case, Judge \_\_\_\_\_ has stayed all but one order. That order is an income withholding order. She has obviously

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accepted Judge \_\_\_\_\_ verbal notification of consolidation of the matters. However, she has not withdrawn the income withholding order in \_\_\_\_\_. I never received notice from \_\_\_\_\_ regarding a hearing on the motion to consolidate and as the attached order shows, both courts are fully aware that proper notice was not provided. As the Petitioner in the instant case, I have made diligent attempts to resolve this matter. Judge \_\_\_\_\_ has chosen to totally disregard and/or ignore the evidence in the instant case.