

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-340

Judge:	No. 1045614834 A
Complainant:	No. 1045614834B

ORDER

The complainant alleged that a superior court judge denied a request for a temporary restraining order and refused to set a preliminary injunction hearing, all without issuing any order or minute entry.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: May 14, 2014.

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on May 14, 2014.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2013 340

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.

PLEASE SEE PAGE 3 of 5

I am filing this judicial complaint because I signed the civil complaint in question. I use "we" in this document because two other plaintiffs were named on the civil complaint and we have agreed that filing this judicial conduct complaint is necessary.

I am working to discover why The Honorable Judge K apparently examined our civil complaint for a temporary restraining order and injunctive relief and did not create a minute entry or give our attorney, Mr. any reason for his denial of our complaint.

We paid the filing fee and apparently there is no public record of our efforts. Attorney only interacted with the judge's assistant. With no minute entry, how can we be assured the judge, or his assistant, for that matter, followed other expected procedures regarding the civil complaint? What did we pay for and should the filing fee payment be refunded?

Another resident in our community the complaint referred to, had another attorney search for the record of our filing and that attorney found nothing. That makes it difficult for her to pursue independent legal action. This situation has also made it complicated for the board and manager to notify its insurance company that our civil complaint was denied because there is no apparent official documentation.

There is another problematic issue: The aforementioned other resident is inaccurately informing other Estate's community members that our judge and attorney were negligent. Mr. did what we asked. Myself and my colleagues spent weeks preparing information on this issue and approximately in attorney and filing fees. If filing a complaint is supposed to create a public record and produce a response, it does not appear that we got everything that we paid for. The resulting confusion among our community members is palpable.

Before we found out from Mr. that there was no minute entry for our complaint and its denial, Mr. did inform us that we could file an appeal to get the judge's decision revisited. There are two reasons we did not do that: a.) With no public record available what would we appeal and to whom? b.) It would cost more money and with this odd result, what else could go badly which would only create additional expenses?

Since there was no minute entry, I am attaching two emails sent to my colleague notifying us of the outcomes explained above. It is the only way I know to illustrate the date of the judge's decision and the lack of a minute entry.

Thank you for your consideration of this issue.