

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 14-222

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge had engaged in a clear pattern of legal error and had intentionally disregarded the law.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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: October 2, 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 October 2, 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

2014-222

7. I understand the commission **cannot** reverse court orders or assign a new judge to a case:

Yes No BUT THESE CASES NEED TO BE MOVED

8. Please read the following statement and sign on the line below:

I **affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.**

Signature

Date

1 Revised

FOR OFFICE USE ONLY

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 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.

SEE ATTACHED

Complaint against a Judge

By:

Judge:

We are dealing with two cases, both assigned to and heard by Judge _____ in _____ County Court, _____ in which complainant, the Plaintiff pro se in both cases, believes there is a clear pattern of legal error and intentional disregard of the law as prohibited in Canon Number 2.

There were several issues in this case. First, when Plaintiff had to leave _____ County for medical reasons, the Clerk's office failed to correct Plaintiff's mailing address and some pleadings by Counsel for Defendants, as well as judicial rulings were never received. Then when the judge issued what was supposedly ruling against Plaintiff regarding proof of service in the initial action being defective, Plaintiff appealed to _____ in case _____. The appeal was based primarily on the fact that Defendants had acknowledged receipt by virtue of their response to the complaint and that any defect in the service process was therefore mute. Arizona Rules of Judicial Procedure 4 (f) states in part: *"The filing of a pleading, response to a pleading allowed under Rule 7 of these rules, shall constitute an appearance. Such waiver, acceptance or appearance shall have the same force and effect as if a summons had been issued and served."* Within 20 days the attorneys for both defendants had responded, making Plaintiff's three additional services of the original complaint by a process server unnecessary, and yet Judge _____ ruled against Plaintiff of the basis of there being no service on the defendants within 120 days of the filing of the original complaint.

On _____ as Plaintiff was preparing to submit the Opening Brief, the _____ found that there was judicial error made in Judge _____ original ruling, and sent the case back to the _____ Court for correction. (ATTACHED) There being no correction or clarification by Judge _____ after the _____ dismissed the case. Plaintiff then had no choice but to return to Judge _____ Court and then requested a jury trial date be set. On _____ Judge _____ denied Plaintiff's request for a trial, based on an unidentified and unknown ruling of _____

This is a real estate fraud case, that is now in year _____ It is complicated by the fact that the Defendant, _____ is a resident of _____ not Arizona. However the fraud occurred in Arizona and the property was located at _____ in _____ Arizona. Without going into extensive detail about this case, Judge _____ originally issued a Default Judgment against the Defendant in the amount of _____ to compensate Plaintiff for _____

exception needs to be granted so that an appeal of the ruling in the second case can move forward.

I realize that bringing this matter before the Judiciary will result in more delays, however the rulings and errors made by Judge _____ have made it impossible for justice to be served without the intervention of a higher authority.

