

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-020

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made erroneous rulings in a family law matter, and was thwarting his ability to file any pleadings with the 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.

The commission does not have jurisdiction to review the legal sufficiency of the judicial officer's ruling. 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: March 23, 2015

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 March 23, 2015.

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

2015-020

TO:

Commission on Judicial Conduct
1501 West Washington, Suite 229
Phoenix, AZ 85007
cjc@courts.az.gov

FROM:

RE: Judge

Date:

COMPLAINT:

Judge _____ has violated Arizona Code of Judicial Conduct, Rules 1.1, 1.2, and 2.2. Specifically, a pattern of legal error or an intentional disregard of the law constitutes misconduct, and does not promote confidence in the independence, integrity, and impartiality of the judiciary.

Judge _____ is blocking my fair access to courts, and refusing to timely issue the civil arrest warrant per the order she issued dated _____. She refuses to acknowledge my notice and I am having extreme difficulty communicating with her regarding my filings. This is the third time I have had to bring legal errors to her attention (which were all conveniently in favor of _____ after considerable time and contacts with the court (See orders dated _____ resulting from my motions to correct). At this point her office is refusing to pick up calls from my phone number (screening calls), and refuses to process or acknowledge any paperwork I file, using the _____ as a mandatory prerequisite. *I have no other legal options to dispute her ruling including appeal, since she is essentially refusing to rule, because I am unable to file any motions, petitions or notices regarding*

History:

Court Order (filed _____) page 2 states that...'
_____ in
full no later than _____ or a civil arrest warrant SHALL issue for

_____ is appointed. Per page 2 "
is NOT authorized to make recommendations affecting _____

Phone call to _____ (judicial assistant) in Judge _____ office directs that we must file a
_____. I am confused because the order already authorizes the issuance of
the _____ so a petition should not be required, simply verbal notice. I file one anyway since that
appears to be the only option for this judge.

signed and mailed to Court to issue The filing counter
refuses to stamp it and it is lost for a while, then eventually routed to Judge after an
locates it.

tells me that the Judge has it and will look it over soon, and for some reason it was not
stamped by clerk when received. She says it will be stamped in their office, but it never was stamped.

Total of phone calls placed to Judge's office about status of the petition and
why it hasn't been stamped as received. Messages left and no return calls.

Finally get on phone and she tells me that the Judge refuses to look at the or
stamp as received, and that it will need approval of the to file.

More calls to inquire what the problem is and why we need to have a involved.

Consultation with attorney about next steps and he advises me to file a notice of nonpayment
of purge amount and request to issue a civil arrest warrant. This is not a petition or motion if that's what
the judge is having a problem with. Attorney confirms that the order has already authorized
the civil arrest warrant PRIOR to the and that the is only
in our case for orders of the court, not for this issue.

Notice of nonpayment of and request to issue civil arrest warrant filed
electronically on .

tells me that the judge has just dictated a minute entry on this issue that we should see it
posted any time. I ask her to verify if it's related to my notice filed on and not a different issue,
and she verifies this minute entry is related to this . No minute entry is ever posted as of
, so I call back repeatedly.

now tells me that the Judge refuses to acknowledge the notice filed . She tries
to read me the relevant : paperwork, and then when I point out that is
specifically excluded, she says she will tell the judge and hangs up.

place a call to the office to verify that this is beyond scope of work. The refuses to
answer my question unless I put down a retainer of to tell me is