

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-024

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made a delayed ruling in a civil case.

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. The commission approved sending the judge an advisory letter, advising him to vigilantly maintain his calendaring procedures to avoid similar delays in the future. The Commission's file in the matter was closed, pursuant to Rules 16(b) and 23(a).

Dated: May 12, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 12, 2015.

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

Complaint I – FAILURE TO DECIDE CASE IN A TIMELY MANNER

The Arizona Constitution Article VI 21, the Arizona Revised Statues 11-424.02 (A) and Rule 91 (e) Rules of the Supreme Court require that superior court judges decide submitted matters within 60 days of submission.

On [redacted] I, Defendant In Pro Per [redacted], filed a Motion for [redacted] Regarding Defendant’s Motion for [redacted] in [redacted] essence asking the Presiding and Supervising Judge in the case to encourage the arbitrator to make a ruling on the Motion [redacted].

On [redacted] I sent a letter to Judge [redacted] asking him if there was some issue preventing him from ruling on the motion and asking him to please do so. Judge [redacted] never responded to that letter.

On [redacted] the Court issued a Scheduling Order by minute entry, scheduling a trial date and in that order a signed by a judicial assistant the motion made on [redacted] was simply DENIED. Stating that “the Arbiter HAS RULED upon the Defendant’s Motion [redacted] despite the Arbiters own words that state “Therefore NO DECISION SHALL BE MADE with respect to Defendant’s Motion [redacted]”.

days after I had made the motion, it was simply dismissed by minute entry.

By neglecting to rule in a timely manner in this case, Judge [redacted] violated Canon 3 of the Arizona Code of Judicial Conduct which states “A judge shall perform the duties of judicial office impartially and diligently”. At 3b(8) it states “A judge shall dispose of all judicial matters promptly, efficiently and fairly” and at 3B(2) it states “A judge shall be faithful to the law and maintain professional competence in it”. *See Braun, 180 Ariz. 240, 241, 883 P.2d 996, 997 (1994)*

1 **Complaint II – REPEATEDLY FILING FALSE AFFIDAVITS**

2 On I, Defendant In Pro Per, filed a motion.

3 On I sent a letter to Judge in essence reminded him that he had not yet
4 ruled on that motion and asking if there was a problem. Judge never responded to this letter.

5 On the Court simply whisked the motion away in a Scheduling Order. A
6 minute entry by a judicial assistant that in essence sealed my financial destruction, hurtling me into
7

8 Arizona Revised Statutes 12-128.01(A) states that a judge shall not receive his salary unless the
9 judge certifies that no cause remains pending and undetermined for sixty days after it has been
10 submitted.

11 In this case it is presumed that Judge received his salary during the period of which he
12 had not ruled on my motion. Presuming this to be true, Judge would have filed false affidavits
13 to receive his salary as follows:

14
15 times in this case alone. It is not plausible that this is an isolated case and therefore there are
16 likely to be many other instances of Judge filing false affidavits in order to receive his salary.
17 If by some chance there is not, then it would support the notion that Judge may have a
18 particular bias toward this, and possibly other self-represented individuals.

19 By signing a series of affidavits that inaccurately reflected that no matters were pending and
20 undetermined for 60 days, Judge violated Canon 3B(2) “A judge shall be faithful to the law
21 and maintain professional competence in it” and also Canon 3B(8) “A judge shall dispose of all judicial
22 matters promptly, efficiently and fairly”. Further as stated in Weeks, 134 Ariz. 521, 525, 658 P2d. 174,
23 178 (1983), “The signing of a series of false affidavits by a judge brings the integrity of the entire
24 judicial system into question and is prejudicial to the administration of justice”.

25 It should noted that the signing of a series of false affidavits also would amount to perjury on
the part of Judge , the presiding judge of Court.

1 **Complaint III – FAILURE TO DILIGENTLY ADMINISTER HIS COURT**

2 By virtue of the facts laid out in Complaint 1, Judge has failed to institute the proper
3 administrative control to ensure that his cases were periodically reviewed to determine the length of
4 pendency prior to ruling and to ensure that when he signed a certificate, that the certificate was accurate
5 as to outstanding cases.

6 As such, Judge violated Canon 3C(1) “A judge shall diligently discharge the judge’s
7 administrative responsibilities....and maintain professional competence in judicial administration”,
8 Canon 3B(8) “A judge shall dispose of all judicial matters promptly, efficiently and fairly”. The
9 comment to this canon states “a judge should monitor and supervise cases so as to reduce or eliminate
10 dilatory practices, avoidable delays and unnecessary costs. Prompt disposition of the court’s business
11 requires a judge to devote adequate time to judicial duties, to be punctual in attending court and
12 expeditious in determining matters under submission, and to insist that court officials, litigants and
13 their lawyers cooperate with the judge to that end.

14 It should also be noted that this requirement is restated for supervising judges at Canon 2 Rule
15 2.12 Supervisory Duties. The supervising judge is held to an even higher standard. This canon states at
16 Comment 2 “Public confidence in the judicial system depends on timely justice. To promote the
17 efficient administration of justice, a judge with supervisory authority must take the steps needed to
18 ensure that judges under his or her supervision administer their workloads promptly’.

19 A supervising judge cannot possibly fulfill this canon if they cannot take the steps needed to administer
20 their own workload promptly.
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1 **Complaint IV – FAILURE TO ENSURE THAT JUDGES UNDER HIS SUPERVISION**
2 **PROPERLY DISCHARGE THEIR RESPONSIBILITIES.**

3 Arizona Code of Judicial Conduct Canon 2.12(B) requires of a judge with supervisory duties
4 such as Judge "A judge with supervisory authority for the performance of other judges shall
5 take reasonable measures to ensure that those judges properly discharge their judicial
6 responsibilities..."

7 On I, Defendant filed with the Court an
8 signed by both and counsel of record, as per
9 counsel's direction.

10 On I filed a timely Motion for
11 and in order to preserve the right to appeal, simultaneously filed a Notice of
12 Appeal of specifically stating that is was pending the ruling on the
13 Motion

14 On Judge signed the Order acknowledging and ordering me to self-
15 represent In Pro Per.

16 Also on the Arbitrator, responded to my Motion
17 and stated that I had not taken the proper steps to represent myself in this case and he
18 refused to make a ruling on the motion stating "Therefore, at this time, NO DECISION SHALL BE
19 MADE". This, despite the Presiding and Supervising Judge ordering it so.

20 On I filed a Motion
21 It, in essence requested in case there
22 had been some procedural technicality, to direct the arbitrator to make a ruling on the Motion
23 in accordance with the Presiding and Supervising Judge order
24 acknowledging me In Pro Per.

25 **days later**, this motion was summarily denied by the minute entry of a judicial assistant
stating that the arbiter had ruled on the Motion even though this in direct
contradiction to the arbiters own words that state "Therefore, at this time, **NO DECISION SHALL BE
MADE**"

1 By allowing the arbitrator to hold to his position that I, _____ was not in a legal capacity to
2 make the motion due to his interpretation of the proper procedure, Judge _____ seems to allow the
3 arbitrators interpretation to trump his own ruling, that of the Supervising and Presiding Judge.

4 By not directing the Arbitrator to rule on the Motion _____ Judge _____ has
5 violated Canon 2.12(B) and by allowing the Arbitrator's continued refusal to make a ruling he has
6 denied me the right guaranteed to me by the 14th Amendment to the Constitution of the United States.
7 A state cannot take one's life, liberty or property without due process of law.

7 **Conclusion**

8 By my act of refusing to allow a _____ to defraud me and the Courts denial of
9 due process, I have been systematically stripped of my _____

10 I have been forced to give up _____ I have been _____

11 It should also be noted that based upon the experience of _____ who also
12 had appeared in pro per before Judge _____, combined with my experience, a case could be made for
13 an inherent bias against self-represented individuals.

14 In _____ case, he was _____ by Judge _____ in _____ just
15 for the making of a legitimate and reasonable motion to _____ Judge _____ stating it to be
16 _____ Rules that obviously did not apply to him as a self-
17 represented party. (See _____)

18 Two unjust instances in two self-represented cases. It seems it would be worth investigating
19 Judge _____ record with self-represented individuals. Have any ever even won a motion?

20 When you are stripped of _____ and then your only other recourse, the right to self-
21 representation and equal access to the law, you are basically stripped of any access to the law and the
22 protections afforded under it. Justice is categorically DENIED!

23 Please take this complaint and assign it every careful consideration and due importance that
24 justice should command of these issues.

25 Respectfully submitted this