

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-065

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge had not timely ruled on motions 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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: May 13, 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 May 13, 2015.

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

Complaint against a Judge

On or about _____, I challenged the _____ of the Court
to _____ . (see attached)

On or about _____, I submitted a
against _____ for failure to
served upon him some _____ earlier. (see attached)

Pursuant to Rule 36(a) of the Arizona Rules of Civil Procedure clearly states that "The matter is admitted unless, within (40) days after service of the request, or, in the case of a defendant, within 60 days after service of the summons and complaint upon that defendant, or execution of a waiver of service by that defendant, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney."

As of this date, the Judge has failed to rule on these and other motions. It has now been some _____ months since my first motion and _____ since the second. This is inexcusable. These are both simple Motions and the issue is legally required to be resolved before anything else can be done.

Rule 91(e) of the Rules of the Supreme Court require that rulings on all motions shall be made not later than 60 days from submission thereof.

Without _____, this Court has scheduled hearings, made rulings and now scheduled a trial, in spite of the fact that discovery has not been completed. As such, I believe that Judge _____ has proceeded without or in excess of _____ or legal authority by ruling on motions and issuing orders.

_____ has never been established on the record. Why is this judge ignoring this most important issue? When I was first dragged into this litigation, the _____ with the judge, and I thought it was _____. That _____ sure looks to be well grounded in fact the way things are progressing.