

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-122

Judge:

Complainant:

ORDER

The complainant alleged the presiding judge of a municipal court was failing to properly supervise other judges and hearing officers in his court, contending that he was allowing them to ignore existing law relating to the assumption of personal jurisdiction over defendants.

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 reminding him that Arizona law still recognizes a special appearance to contest jurisdiction, and the filing of a motion to dismiss that is devoted to the personal jurisdiction issue does not constitute an acknowledgment of the court's jurisdiction. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 17, 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 August 17, 2015.

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

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

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space or plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

See attached.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2015-122

COMPLAINT AGAINST A JUDGE

Your name: _____ **Judge's name:** _____ **Date:** _____

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

This complaint relates to _____, the _____ judge of the _____ Court, and involves a matter in which the _____ Court has taken action in direct conflict with well-established law, so as to create a pattern of ignoring existing law.

I _____ matter (_____), _____ in Case # _____, in the _____ Court. In this case, various unidentified judges and/or hearing officers (the signatures on the orders are illegible) have made rulings in direct conflict with existing laws, rules and prior decisions. Specifically, the Court appears to have held that the filing _____ of pleadings, though specifically _____, along with legal argument as to why _____ had not been conferred on the Court, would suffice as a _____.

On about _____, in State v. _____, Case # _____, I filed a pleading explicitly challenging _____ for _____ supported by ample argument citing statutes, rules, and case law. Included in this pleading was a _____ for lack of _____. On about _____, the Court entered an order _____. On about _____, the Court set a _____ hearing, even though the record (attached) reflects that _____, and Defendant had not _____ necessary to set a _____ hearing. The _____ hearing is currently set for _____.

On about _____, I filed a _____, in which I requested that the case be _____ because _____, the State had not _____, and Defendant had not _____. In the alternative, I requested that the _____ hearing be reset to a _____ hearing, to deal with the threshold issue of whether or not the Court had _____. On about _____ the Court _____ and confirmed the _____ hearing, despite the Court's _____.

The _____ Court has a history of _____. In _____ Judge _____ was issued a public reprimand for treating a phone call from a _____ and subsequently entering a _____ against the _____ when there was no _____ to do so.

I believe that conduct of the judges and/or hearing officers of this Court, supervised by _____, as briefly outlined above, violated the Code of Judicial Conduct.

In particular, I believe that the judges and/or hearing officers, supervised by _____, violated a number of the Rules, and that the conduct is such that likely brings the judiciary into disrepute, and that the conduct here shows a pattern of ignoring well established law. I will briefly review the violations of the relevant rules which I perceived, below.

RULE 1.2. Promoting Confidence in the Judiciary

The Court's rulings that, in essence, find that _____ filing pleadings challenging _____ thereby establish or waive _____ are plainly mistaken, absurd, and are rulings that must shake _____

the public's confidence in the judiciary.

RULE 2.2. Impartiality and Fairness. A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

The Court's rulings that the Court has established _____ merely because a
filed pleadings challenging _____ appear to be a gross misapplication of the law, as
well as create at least the appearance of unfairness and an absence of impartiality.

RULE 2.12. Supervisory Duties. (B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

The presiding judge, _____ who is responsible for the performance of the
Court, has failed to ensure that the Court's judges and/or hearing officers properly discharge their judicial responsibilities.

Please communicate with me regarding any action upon my complaint.