

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-212

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge either failed to follow the law in a family law matter or that the judge's ruling was forged by a member of his staff.

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: September 10, 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 September 10, 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.

On or about	the Hon.	purportedly issued a	on an emergency
basis changing/clarifying a		issue. Minute entry attached.	
Emergencies are governed by R. 48 of the Arizona Rules		Procedure. Courtesy copy	
attached.			
Judge	is an experienced judge known for adhering to procedure and law. Moreover, he is known for being sparing with Emergency rulings reserving them for true dire circumstances. It is inconceivable that Judge	would fail to refer to and fail to adhere to R. 48.	
The ruling is deficient in that no notice was given and Judge	did not require notice. I was in my office the entire day and the division did not attempt to reach me to be heard on this matter. The ruling is deficient in finding that irreparable injury will result absent the emergency order. The minute entry is deficient in that it fails to define the alleged injury. The minute entry is deficient in that the hearing is not set within		
The minute entry is not signed. The underlying pleadings are not docketed and are not available on as of this writing. There is no transcript available which means there was no hearing conducted on the record. It is impossible to know the underlying allegations. There were other anomalies on the docket that were suspicious but corrected by Judge	judicial assistant. Courtesy copy attached.		
Judge	not assigned to the case but was acting as the emergency judge on this matter.		
Given that I believe that Judge	is committed to upholding the law and is experienced on the bench, I do not believe that he authored this minute entry. I believe that some one on staff at the court in connection with	caused this minute entry to be issued without Judge	
knowledge or consent.			
I have filed the necessary pleadings to set aside the order but I cannot let possible fraud stand, given that I am an officer of the court.			
If this is a mistake by Judge	or he states that he issued the minute entry, then that is		
acceptable.			
I have concerns that if this matter is dispatched by mail, the judge may not actually receive it. Please contact him directly to obtain his statement concerning the veracity of the minute entry.			
This conduct, if true, brings the judiciary into disrepute.			