

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-285

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge did not timely enter a judgment and assisted another litigant during trial.

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.

Commission members Anna Mary Glaab and J. Tyrrell Taber did not participate in the consideration of this matter.

Dated: February 5, 2016

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 February 5, 2016.

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

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

VIA US CERTIFIED MAIL

In re:

case

COMPLAINT AGAINST A JUDGE

Please accept this letter as a complaint against _____ of
the _____ Court.

On or about _____, a bench trial was held in which Judge _____ granted judgment in my favor against the Defendants _____. As noted in the Certified Copy of the Trial Record attached hereto as Exhibit A, the Judge **directed me to prepare an Order for the Court's signature which she would sign upon presentation.**

On or about _____ I prepared and filed the Order for the Court's signature. As of this date, the Court has not signed the order and continues to refuse to sign the order.

During the trial, Judge _____ continually violated Rule 2.2 by coaching Defendant _____ and putting words in his mouth, essentially acting as his attorney to my detriment. (A transcript of the trial will reveal this.) Only after I objected to her continuing bias and lack of impartiality did she refrain from openly assisting _____. Her refusal now to sign this order is yet another example of her bias in favor of _____ and her lack of impartiality.

Judge assistance of at trial and refusal to sign an order which was properly filed in strict accordance with her directions was and is a violation of CANON 2, Rule 2.1, Rule 2.2, 2.3, and 2.5.

Rule 2.5 requires that Judge perform her judicial duties competently, diligently and promptly. Her failure to sign an order more than 60 days after presentation shows willful violation of the Rule. This is not an oversight, but a deliberate refusal to sign the final order. I believe this is a continuing course of conduct in which Judge is seeking to act as if she is attorney. She was and is not attorney, but the Judge in this matter; she should be conducting herself as an impartial jurist, not an advocate for one of the parties.

The facts are simple:

1. I prevailed in the trial of this matter;
2. Judge ordered to pay me
3. Judge directed me to prepare an Order for the Court's signature, which she would sign upon presentation;
4. I prepared the appropriate Order pursuant to the Court's direction;
5. I filed the order with the Court on or about .
6. Judge refused and continues to sign the Order.

No judge should conduct herself like this,