

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 15-312

---

Judge:

Complainant:

---

**ORDER**

The complainant alleged a superior court commissioner improperly took action on his case after a disqualification motion was filed.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 16, 2015

FOR THE COMMISSION

/s/ George A. Riemer

---

George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the commissioner on December 16, 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 \_\_\_\_\_ I filed moved to disqualify Judge \_\_\_\_\_ for reason of bias. I attached to the motion the required affidavit. Per my usual practice, I hand-delivered a courtesy copy of the motion and affidavit to Judge \_\_\_\_\_ chambers, leaving them with a clerk on the 9th floor of the court house.

Under A.R.S. 12-409, once an affidavit is filed, the judge is required "at once" to transfer the matter to another judge. Under well-settled Arizona case law, once the affidavit is filed, the trial judge has "no power or discretion except to order trial before another judge." Del Castillo v. Wells, 22 Ariz. App. 41, 43, 523 P.2d 92, 94 (1974).

On \_\_\_\_\_ I was served with a summons and order to appear in front of Judge \_\_\_\_\_ at \_\_\_\_\_ The order was issued by Judge \_\_\_\_\_

The order to appear issued by Judge \_\_\_\_\_ places him in violation of A.R.S. 12-409 and violates the Arizona Code of Judicial Conduct, including Rules 1.2 and 2.2.