

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-035

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge did not afford her an opportunity to be heard, engaged in improper ex parte communication, and did not provide her with notice of an order that was entered.

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(a).

Dated: March 31, 2016

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on March 31, 2016.

*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*

ARIZONA COMMISSION ON JUDICIAL CONDUCT  
 1501 W. Washington Street, Suite 229  
 Phoenix, Arizona 85007

### COMPLAINT AGAINST AN ARIZONA JUDGE

To simplify the process and realizing you and the staff are not familiar with this case, I believe it would be best to give a little background concerning only the deferral or waiver of fees and costs order that is the subject of the Complaint. The case is a [redacted] that was dismissed "without prejudice" by the [redacted] due to the lack of a "Final Judgment" with the appropriate language. [redacted] issued the "Final Judgment" as requested by the [redacted].

Currently the process is to resubmit the deferral or waiver back to the [redacted]. There have been are [redacted] involved in this case. The first was [redacted] who is the subject of the Judicial Conduct complaint, followed by [redacted] and lastly [redacted] is now with the [redacted] where this case is heading.

#### I. BACKGROUND

1. After reading the current instruction booklet for deferral or waiver of fees and costs, I prepared the application and order. The caption was placed on both documents; however, only the caption was placed on the order as it was stated in the instructions that the Judge shall fill out the order. The package was sent to [redacted].

2. [redacted] reviewed the paperwork and returned the Order to me but did not fill out the complete order. [redacted] signed the order and [redacted] **[See attached**

3. I sent another order (marked as amended) to [redacted] with a letter dated [redacted] which explained the highlighted areas to be checked. **[See attached**  
 - .]

4. On [redacted] issued [redacted] order for waiver regarding the order and my letter of [redacted] **[See attached** - .] The order references is a form that is used by the [redacted] uses a form issued by the [redacted] that has parenthesis marks rather than squares. [redacted] signs the waiver of all costs and fees and places it of record with the court; I am sent a copy of the order. **[See attached**

The [redacted] issued its Waiver of Fees and Costs shortly thereafter. I filled out their paperwork [redacted] put the paperwork for Waiver of Fees and Costs inside a plain manila file folder as they consider it CONFIDENTIAL. The contents with personal information is not to appear of record.

On [redacted] issues its dismissal "without prejudice" as stated above, which means I must start all over again with the Waiver of Fees and Costs. **[See attached**  
 - .]

On \_\_\_\_\_ orders "Final Judgment" pursuant to Arizona Rules of Civil Procedure, Rule 54(b) thereby granting the jurisdiction in this case. \_\_\_\_\_ transfers to the \_\_\_\_\_ and \_\_\_\_\_ is assigned back to the case.

## II. THE CHARGE

5. I, the applicant, fill out yet another deferral or waiver of fees and costs and sent it to \_\_\_\_\_ Going by the treatment of the \_\_\_\_\_ who marked and is keeping my financial information confidential, I sent a cover sheet noting that this is confidential documentation and include that with the paperwork for the deferral or waiver \_\_\_\_\_ handled most of the \_\_\_\_\_ prior to the \_\_\_\_\_ is familiar with this case.

6. \_\_\_\_\_, as per how \_\_\_\_\_ requested I am to fill out the order, I did so, leaving only the signature page to be signed. It was then sent it to \_\_\_\_\_ for signature.

7. On \_\_\_\_\_ returned the application and order of the deferral or waiver of fees and costs with a sticky note attached saying that \_\_\_\_\_ does not sign an order that someone else has filled out. The \_\_\_\_\_ in the \_\_\_\_\_ also included a note stating I had to do the order over again. [See attached \_\_\_\_\_]

8. On \_\_\_\_\_ the blank order was returned to \_\_\_\_\_ with only the caption on the document as per the instructions. Moral here is: Not all Judges do the same thing and is doubtful they read the instructions.

9. On \_\_\_\_\_ an entry appears on the \_\_\_\_\_ [See attached \_\_\_\_\_ stating that opposing counsel, \_\_\_\_\_ has filed an Opposition to the deferral or waiver of fees and costs. I am not served a copy of this document.

10. On \_\_\_\_\_ per the \_\_\_\_\_ filed the order with the \_\_\_\_\_ [See also attached \_\_\_\_\_] also places my personal information of record with the \_\_\_\_\_ including the cover sheet stating it was a confidential document. I now must get another \_\_\_\_\_ the \_\_\_\_\_ in the \_\_\_\_\_ exposed for anyone to access. Unfortunately, the \_\_\_\_\_ does not like this information published, therefore, they will issue another \_\_\_\_\_ charging for the \_\_\_\_\_ that amount will be deducted from my monthly account.

11. On \_\_\_\_\_ I sent a letter to \_\_\_\_\_ requesting service of the signed Order, which appears on the \_\_\_\_\_ website. A copy of this letter was also submitted to \_\_\_\_\_ [See attached \_\_\_\_\_]

To date, I have not received a letter, copy or clarification as why I have not been served these documents that are placed in the court record. I have no idea what is on the two pleadings and find it unusual that [redacted] refuse to serve me copies of pleadings. It is not up to me to search for documents that shall be served upon me, especially an Order. This is an intention oversight; I need to see the pleadings to know what is happening in this case as the Arizona Rules of Civil Procedure states. See ARCP, Rules 5(a), 5(c)(2)(C), 5(c)(3), and 5(g)(1). Additionally, the instructions state "the Judge will decide the order and you will receive a copy when it is signed." [See attached

**Arizona Code of Judicial Conduct, Rule 81. Rules of the Supreme Court.**

[redacted] displays "impropriety" that includes conduct that violates court rules, or provisions of this code, and conduct that undermines a judge's independence, integrity, or impartiality.

"knowingly" even after receiving my [redacted] letter asking for service of the Order, shows [redacted] had actual knowledge of the fact in question, yet, [redacted] still refused to act. To date, I still have not received the Order from [redacted]

This complaint is for [redacted] will have a complaint filed with the [redacted] for [redacted] and other violations. As [redacted] filed [redacted] prior to the date signed and filed the Order, I can only interpret [redacted] actions as an *ex parte* communication.