

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-046

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court judge and a superior court commissioner improperly delayed a garnishment proceeding.

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

Commission members George H. Foster and Anna Mary Glaab did not participate in the consideration of this matter.

Dated: June 14, 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 judicial officers  
on June 14, 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.

I attempted to collect a judgment in this case by garnishing the opposing party's wages. Exhibit 1. I filed the application for order continuing lien upon the judgment debtor's wages on \_\_\_\_\_

Exhibit 2. This is a process that is not complicated. Upon receiving the application for order continuing lien, the court simply signs the order, assuming that the Garnishee has answered that it employs the judgment debtor and will owe the judgment debtor wages in the next 60 days and that the judgment debtor has not filed any objections or all objections have been overruled. See A. R. S. 12-1598.10. In this case, the Garnishee has filed an answer that showed that it employed the judgment debtor and would owe her wages in the next 60 days. Exhibit 3. The judgment debtor had not filed any objections.

After filing the application for order continuing lien, I followed up with \_\_\_\_\_ several times via telephone. However, I never received anything from \_\_\_\_\_ in \_\_\_\_\_

I received an inexplicable rejection sheet from \_\_\_\_\_ that said that the Garnishee had not filed an answer. I immediately printed the answer from ECR online and forwarded it to \_\_\_\_\_ with his rejection sheet. I then had to make several phone calls to follow up \_\_\_\_\_ in \_\_\_\_\_ told me that they did not even realize that \_\_\_\_\_ had the application for order continuing lien, even though he had once incorrectly rejected it.

Then, on \_\_\_\_\_ I received another rejection sheet from \_\_\_\_\_ rejecting the proposed form of order pursuant to A. R. S. 12-1598.10(E) because the time limit to enter the order had expired. Exhibit 4. In other words, it took \_\_\_\_\_ to receive word from the court that the \_\_\_\_\_ time limit had expired. Had the judicial officer acted in a timely manner, the \_\_\_\_\_ time limit would not have expired.

I do not know which judicial officer, \_\_\_\_\_, is responsible for this mess. I submitted the application and proposed form of order to \_\_\_\_\_ on \_\_\_\_\_ but then received a rejection sheet from \_\_\_\_\_ in \_\_\_\_\_ Whether it is one of them or both who sat on this for so long, it is unacceptable to submit an application for order continuing lien well ahead of the deadline for the entry of the order continuing lien, only to have the court wait about \_\_\_\_\_ to act on it, only to tell me that the time limit has expired because the court sat on it for so long.