

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-159

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made improper rulings and assisted the defendant in a civil matter.

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(a).

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: July 20, 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 July 20, 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

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.

Violating Canon 1, 1.1 Compliance with the law; 1.2 Promoting confidence in the judiciary; Canon 2, 2.1 Giving precedence to Judicial Duties; Rule 2.2 Impartiality and Fairness; Rule 2.5 Competence, Diligence and Cooperation; Rule 2.7 Responsibility to Decide

This matter was transferred from Counterclaim Defendant filed Plaintiff filed his Answer to the Counterclaim on Counterclaim is claim subject to arbitration..

Due to a dispute on arbitration, on Ordered that

.. " I, as the Plaintiff did not provide the disclosure and the defendant's attorney never filed a request to refer the matter to , as ordered by the Judge.

Accordingly, on the Judge dismissed all unadjudicated claims in this case, without prejudice, in their entirety. Thereafter on despite no motion being filed nor did the defendant file the ordered request the Court, apparently despite his own orders and of his own accord not having been requested to do so, filed a Nunc Pro Tunc Order as follows:

Neither party complied with the order so the Order issued by the Court appears prejudicial against the Plaintiff, especially since Defendant's attorney failed to file any documents requesting an extension to file a request or any documents for that matter.

On , and again with no requests or motions having been filed by Plaintiff or Defendant, the Court issued an Order transferring to for appointment of an arbitrator. This appears clearly prejudicial as the Court's previous order required the defendant to file this request. Additionally, the court failed to follow Arizona Rule of Civil Procedure 73(c)(2) which states that "

" The Answers in this case were filed in which is obviously more than prior to an referral. appears to be operating on his own Rules of Civil Procedure and even assisting the defendant in this matter.

The Arbitrator in this matter failed to follow any of the Arizona Rules of Civil Procedure when he sent out _____ with a hearing date of _____

_____ in violation of Rule 74(b) requiring at least _____ notice. There was no agreement of the parties nor was there a finding of good cause to hold it sooner than _____

Additionally, Petitioner never received the Notice and was not even aware of the hearing despite having notified the Court of his new address.

Petitioner failed to appear at the _____ hearing and only became aware of the arbitration award when it was filed on _____ in direct violation of Rule 76(a)(1)(4)

(5). Not one of these rules was followed by the arbitrator and while I understand that this committee does not have jurisdiction over the arbitrator, the judge did nothing to enforce that the law is being followed.

Lastly, Rule 76(e) of the Arizona Rules of Civil Procedure state, "If the arbitrator does not file an award or other final disposition with the _____ within _____ days after the first appointment of an arbitrator, the _____ SHALL refer the case to the judge to whom the case has been assigned for appropriate action. This did not happen.

The Judge has patently violated the laws that govern our system that is intended to serve justice. The original order _____ should have been left in place until the judge began to decide that he would advocate for the defendant and her counterclaim without any basis for doing so. I am filing a _____ contemporaneously with this complaint in hopes that the judge will recognize his errors and remedy them.