

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-169

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace improperly made rulings on a protective order matter after being disqualified. Additionally, the complainant alleges that the justice of the peace failed to set further proceedings after his ruling was reversed and remanded on appeal.

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 judge no longer held office as of January 1, 2017. As part of a stipulated resolution in another case, the commission determined that no further action was warranted under the circumstances and directed the file in this matter be closed.

Commission member Art Hinshaw did not participate in the consideration of this case.

Dated: February 28, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to the complainant and emailed to the judge's attorney on March 1, 2017.

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 had a case pending before _____ and a motion to disqualify was made prior to trial(see appendix 1). Although _____ didn't preside at trial _____ did. _____ has made contributions to _____ campaign (see appendix 2). Therefore a motion to disqualify _____ is a motion to disqualify _____ ruled against me at trial and I appealed to _____ case No. _____ (_____ overturned _____ ruling on _____ and remanded the case back to _____ (See Appendix 3). So I filed, in _____ for the Recovery of Costs of the litigation. _____ ruled on the motion for the recovery of costs (see appendix 4). Ruling against me. No ruling had been made on the motion to disqualify _____ In the motion to disqualify _____ Canon 2, Rule 2.11. of the Code of Judicial Conduct is the authority cited for disqualification. The comment on rule 2.11. paragraph (2) states that;

A judges obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

So obviously if a motion to disqualify has been filed then the judge is obligated to refrain from participating any further in the case until the motion has been decided.

From the date that the motion to disqualify was filed _____ to the date that _____ ruled on the motion for the recovery of costs _____ is just a couple days short of _____ remanded this case on _____. There was never any notice from _____ informing of the compliance with the judgment of court. Then _____ proceeded to rule on the motion for the recovery of costs.

A.R.S. 11-424.02(A) prohibits a justice of the peace from receiving compensation if a cause "remains pending and undetermined for sixty days after it has been submitted for decision".

_____ is required to file monthly salary affidavits declaring that no cause remains pending beyond 60 days. _____ has violated at least Cannons 1.1, 1.2 2.5, and 2.11 of the code of Judicial Conduct