

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-184

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Judge:

Complainant:

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**ORDER**

The complainant alleged a municipal court judge violated her client's right to be heard and failed to promote confidence in the judiciary.

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. The commission approved sending the judge an advisory letter suggesting she reevaluate how the court's practice of delaying civil traffic cases is reflected on the case docket available to the public. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Christopher W. Ames, Roger D. Barton, and George H. Foster did not participate in the consideration of this matter.

Dated: September 22, 2016

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on September 22, 2016.

*This order may not be used as a basis for disqualification of a judge.*

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2016-184

Arizona Commission on Judicial Conduct  
1501 W. Washington Street, Suite 229  
Phoenix, AZ 85007

Re: Judicial Conduct Complaint

Dear Members of the Arizona Commission on Judicial Conduct;

In the nearly [redacted] that I have [redacted] I have never filed a judicial complaint. I do so now because I believe that the [redacted] violated the Arizona Code of Judicial Conduct and that there is a strong likelihood she will continue to do so in the absence of intervention by this body.

This complaint alleges that Judge [redacted] violated Rule 2.6, "Ensuring the Right to Be Heard," in connection with [redacted] Case No. [redacted]. As a result of that violation, I believe Judge [redacted] conduct also ran afoul of Rule 1.2, "Promoting Confidence in the Judiciary."

In sum, the Court entered a default judgment after [redacted] failed to appear in court, and then denied two motions to set aside the default judgment, a motion for reconsideration, and two motions for a hearing where the substantive issues could be addressed. The proceedings in the [redacted] which resulted in the imposition of a fine in the amount of [redacted] and the suspension of [redacted] driving privileges, occurred without him *ever* personally appearing before Judge [redacted]. In addition, the [redacted] misled [redacted] in order to obstruct his right to appeal and, as a result, he was forced to proceed by special action to the Superior Court.

Page Two  
Letter to Ariz. Comm. on Judicial Conduct  
Re:

There, the \_\_\_\_\_ agreed that Judge \_\_\_\_\_ violated \_\_\_\_\_ due process rights to a meaningful hearing, and she further alleged that the routine practice of the \_\_\_\_\_ is to reschedule hearings without written notice to the parties, in violation of 17C A.R.S. Rules Civ. Traffic Proc., Rule 15. Following a hearing, Superior Court Judge \_\_\_\_\_ entered an order: 1) \_\_\_\_\_ ; 2) \_\_\_\_\_ 3) \_\_\_\_\_ ; and 4) \_\_\_\_\_

The matter has now concluded.

I attach for your review relevant documents from the proceedings in support of this complaint. I also note for purposes of complying with the information required to file a judicial complaint, that the following individuals observed Judge \_\_\_\_\_ conduct:

Judicial Conduct Rule 2.6(A) appropriately charges a judge with the responsibility of ensuring that every person who has an interest in a legal proceeding is heard. That did not happen for \_\_\_\_\_ and he was harmed as a result. Moreover, as a court of first resort - the

Page Three

Letter to Ariz. Comm. on Judicial Conduct

Re:

jurisdiction for which includes traffic and other more minor matters - citizens often appear without counsel and often for the very first (and only) time they will ever engage with the legal system. Judges in these courts, such as Judge \_\_\_\_\_ have a heightened responsibility to safeguard the rights of unrepresented litigants and, in my opinion, to promote public confidence in the independence, integrity, and impartiality of the judiciary. *See* Rule 1.2. Because I feel that Judge \_\_\_\_\_ did not uphold these canons of judicial conduct, I respectfully submit this complaint.

I declare, under penalty of perjury, that the contents of this letter and the facts I have provided upon which my allegations of judicial misconduct are based are true and correct.

Sincerely,

Enclosures:

1. Complaint for Special Action

Case No.

2. Exhibits to Complaint for Special Action

3. Answer to Complaint for Special Action

4. Minute Entry Order of