

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-229

Judge:

Complainant:

ORDER

The complainant alleged a superior court judge made contradictory and improper rulings in a civil matter and was prejudiced against one party.

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).

Dated: October 5, 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 October 5, 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.

Attached are copies of Minute Entries/Order made by Attorney _____ filed a _____ It stated he was filing the _____ Plaintiffs' attorney filed a Response and a _____ A hearing was held on the _____ on dated _____ took the matter under advisement and in a Minute Entry entered a Ruling which states in part: "

_____ filed an answer to the remaining counts of the complaint on behalf of the _____ only. No answer was filed on behalf of the _____ by _____ Plaintiffs' attorney filed a _____ against the Defendants. The statutory time for filing an answer expired and Default was entered against the _____ Defendants. On _____ attorney filed a _____ . A hearing was held on the _____ and attorney _____ motion. Plaintiffs' attorney filed a Response citing to _____ of the Arizona Rules of Civil Procedure regarding _____ In a minute entry dated _____ refused to enter default judgment and ordered attorney _____ to identify specifically by name who he represents. (See attached) Plaintiffs' attorney then proceeded with AGAIN filing for default of the served _____ Defendants. The COURT scheduled a hearing for _____ and sent notices. At that hearing Plaintiff _____ testified as to the items removed from her home, the replacement value of those items and that several of the Defendants had admitted to the _____ to committing burglary of the Plaintiffs' residence.

Immediately prior to the hearing on _____ which was scheduled by the court, attorney _____ filed a _____ hat he did not represent anyone in the subject case. Or months after he was ordered to identify his clients.

In a dated again refuses to enter default judgment against the served Defendants. Among the reasons he cites to

However, either attorney did not appear or he appeared for the Defendants. If attorney appeared then default should have been had in if noone appeared then notice is not necessary. Also the court scheduled the hearing of therefore it is the court's responsibility to give notice. The court is also ordering the Defendants to be served with the notice of the new hearing but nothing in the Arizona Rules of Civil Procedure require that the notice be served.

is also refusing to enter judgment for punitive damages citing to no showing of " ", however, it ignores the fact that several of the Defendants committed felony burglary and admitted to doing so, more than enough to show the "

also refused to enter judgment on the damages despite the fact that Plaintiff testified that she created a list of the missing items and their replacement value. It is not necessary that Plaintiff testify as the the condition of the missing items but only the replacement value.

Throughout this case has exhibited prejudice against the Plaintiff and has in essence acted as the attorney for the Defendants and even the Defendants.

should be removed from the bench immediately.