

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-258

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner has improperly delayed her civil case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the commissioner 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 19, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainant and the commissioner  
on October 19, 2016.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2016-258**

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

rule 1.1. Compliance with the law  
a judge shall comply with the law, including the  
Code of Judicial Conduct  
was violated per 2.2 subsection 3  
"a pattern of legal error or intentional  
disregard of the law may constitute misconduct"

rule 2.5. Competence, Diligence, and Cooperation  
(A) A Judge shall perform judicial and  
administrative duties competently, diligently, and  
promptly.  
Comment 4 In disposing of matters  
promptly and efficiently, a judge must demonstrate  
due regard for the rights of parties to be heard  
and to have issues resolved without unnecessary cost or  
delay.

comment 5 Article 2 §11 of the AZ Constitution  
requires that "Justice in all cases shall be administered  
openly, and without unnecessary delay."

rule 7.6. Ensuring the right to Be heard  
(A) a Judge shall accord to every person  
who has a legal interest in a proceeding, or that  
person's lawyer, the right to be heard according  
to law.

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I believe the \_\_\_\_\_  
has violated the afore stated rules. He is  
beyond the statutory regulated time with  
regards to my case and he is beyond the  
time frame his own decisions he issued last

The statutes state the process for receiving  
excess proceeds is file a claim, answer, wait  
days to see if another potential claimant  
responds to the answer, if no other potential claimant  
replies to the answer then the judge may  
approve or deny the claimant. If another  
claimant does reply then the judge may  
make the parties wait \_\_\_\_\_ days for a decision.

My case - original complaint filed  
my answer  
No one replied to my answer  
I filed a motion to expedite  
due to a lack of decision in my case  
ordered I wait  
days (although there were no other  
claimants)  
stated excess proceeds could  
be released per  
minute entry

I filed an amended application  
no judicial decision as of this  
complaint  
no release order signed as of  
this complaint

I filed a motion to expedite  
a motion for default  
a motion to set trial  
claim against the estate

There has been no judicial response  
to any of my motions

on I spoke with the J.A. for  
who stated they  
never had copies, so I provided her  
with copies. She said the order would be  
signed within days.

on I was informed by the  
J.A. for ( ) who was standing  
in for the J.A. regularly assigned to  
that said  
I'd have to wait days again to  
see if any one else responds.

There have been no official decisions  
or orders on my case and no  
official responses to my motions, other  
than response  
refuses to see me or speak  
with me.

my case # is