

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-350

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Judge:

Complainant:

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**ORDER**

The complainant alleged a superior court commissioner violated her right to be heard and failed to perform his duties in a thorough manner.

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).

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

Dated: January 31, 2017

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the commissioner on January 31, 2017.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2016-350

**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.

Dear Arizona Commission on Judicial Conduct,

I am requesting help with a matter regarding Judge

\_\_\_\_\_, who reviewed the \_\_\_\_\_ my court case

The Honorable \_\_\_\_\_ has handled it in the past.

I believe Judge \_\_\_\_\_ actions violated Canon 2 of the Arizona Code of Judicial Conduct--specifically, 2.5, Competence, Diligence, and Cooperation; and 2.6, Ensuring the Right to Be Heard.

On \_\_\_\_\_ the other party in my case ( \_\_\_\_\_ ) filed a *Petition to Modify Child Support* with the clerk. I was informed (by someone who answered the phone) that the other party did not provide a copy of his *Petition* to the judge. Still, because I was served with the *Petition*, I responded.

On \_\_\_\_\_ I filed a *Motion to Dismiss* (the *Petition for Modification*) with the clerk, and I provided a copy to the judge.

On \_\_\_\_\_ the court entered an order to dismiss my *Motion* without prejudice. No other information was provided. The judge did not acknowledge whether he received the other party's *Petition to Modify*.

On \_\_\_\_\_ I filed a *Motion for Reconsideration* of my *Motion to Dismiss*. With my motion, I attached a portion of the other party's *Petition*. I requested that the court either: acknowledge that the other party filed the *Petition* and that the court acknowledge that the *Petition* was

deficient, or: clarify what it was about my Motion to Dismiss that qualified it for dismissal.

Judge            didn't do either.

On                    the court entered an order to dismiss my Motion for Reconsideration. No explanation was given.

It is my impression that Judge            orders violated Rule 2.5 (A): "A judge shall perform judicial and administrative duties competently, diligently, and promptly."

Judge            did not show diligence (thoroughness) in his rulings on my Motions. He failed to state the reasons why he dismissed my original Motion to Dismiss. He also failed to acknowledge that the other party filed a Petition to Modify Child Support. He simply dismissed my motions and left me to guess whether the other party's Petition was still pending before the court.

Judge            also violated Rule 2.6 (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."

Judge            denied my right to be heard not in a court setting per se, but he denied my right to be heard via Motion by not acknowledging the content of my motion. My voice was stifled and I wonder whether Judge            even read my Motions.

The other party had previously filed a Petition incorrectly (in            ), and Judge            made sure to mention it in his ruling, after I had filed a response to the other party's Petition. Judge            did not follow suit.

I would like acknowledgment of whether the Judge had received the other party's Petition, so I know whether I should prepare another response.

Sincerely,