

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-162

Judge:

Complainant:

ORDER

The complainants alleged a commissioner failed to provide sufficient time for their appeal, prejudged their case, was biased against them, failed to recuse, and failed to report attorney misconduct to the Arizona State Bar.

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: September 28, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were distributed to all appropriate persons on September 28, 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

2017-162

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.

In _____, a _____ appeared at our door to collect on a default judgement that was entered _____ without our knowledge. Shortly after, we learned that the attorney representing us (_____ had been hospitalized for a lengthy period of time and was currently under a _____ suspension (subsequently leading to a _____ suspension on charges including client abandonment). Within _____ we sought new representation and filed a Motion to Set Aside the Judgement. We are permitted from time of Default Judgement to appeal _____ On _____, we were ordered to appear before _____ for oral arguments on the Stay of Sale because the Motion to Set Aside hearing had not yet been set. We were not afforded the time provided by law to appeal. In _____ acted in the same manner in not affording opportunity to appeal by denying a stay.

_____ entered the courtroom and stated that he was prepared to argue both the Stay of the Sale and the Motion to Set Aside. We were there to argue the Stay. He also stated that he was inclined to deny after reviewing the documents. That being said, he allowed us a couple of our oral arguments but it he stated that he was already ready to rule. _____ entered the courtroom prejudiced and with a clear disdain for our previous lawyer. He stated several times that he knew exactly who _____ was and that he had several cases of his before him. I threw my hands up in the air at that time questioning how much he knew about _____ and when, and why we (his clients) were the last to know and are losing everything. He then added that he did not know anything requiring him to report him.

We are filing this complaint today because we believe that _____ did have sufficient knowledge of _____ and an ethical duty to report his actions to the Bar. We also believe he should have recused himself given his knowledge of _____ and currently having _____ before him. His statements in the courtroom suggest not only was he aware of _____ incompetence, but that he had had enough of him. It is our belief that _____ was not able to fairly rule on my motion because of his prejudiced feelings about _____. We are also filing this complaint because we were forced to argue both motions in court however, it was clearly stated that the Motion to Stay was moot because he was not going to grant the Motion to Set Aside Judgement. We were not permitted to argue our points. _____ walked out of the courtroom after hearing from opposing counsel that our properties were _____. That is not the case and we were never able to rebut.

_____ entered the courtroom prejudiced. We were not given ample opportunity to orally argue our case. _____ knew all about _____. This was an opportunity to allow us to have our day in court and potentially have this case tried on the merits of the case. _____ made the decision to deny us this even before entering the courtroom. He had his preconceived judgment making it impossible to alter by presentation of contrary evidence.