

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-291

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Judge:

Complainant:

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**ORDER**

The complainant alleged a court of appeals judge unduly delayed his ruling and was improperly influenced in this decision.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 a judicial officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the judicial officer 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 members Denise K. Aguilar and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: January 9, 2019

Copies of this order were distributed to all appropriate persons on January 9, 2019.

*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**

2018-291

**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.

I believe \_\_\_\_\_ violated the code of ethics for Arizona judges and bias in making decision on my case ( \_\_\_\_\_ ). I went to my local state representative \_\_\_\_\_ to voice my concern about the time the \_\_\_\_\_ was taking to make a decision on my case as it was over \_\_\_\_\_ and a \_\_\_\_\_ There was a meeting with the \_\_\_\_\_ myself and representatives from court of appeals and \_\_\_\_\_ After voicing my concerns shortly after that within \_\_\_\_\_ there was a decision made on my case. It was not in my favor and I believe that by me speaking out prior to the decision this had an effect on how my case was decided. My case was sitting with \_\_\_\_\_ for a \_\_\_\_\_ then right after I speak out about the excessive time it has been taking to make a decision all of a sudden there is a decision made that is not in my favor.

The judge ignored Arizona Revised Statutes that I stated in my appeal to the \_\_\_\_\_ and failed to respond or acknowledge the A.R.S. that related directly to my case. The judge made decision on hearsay allegations to which the court failed to acknowledge my \_\_\_\_\_ evidence on the record and suppressed the \_\_\_\_\_ evidence. The judge also made errors and stated finding of facts that were not facts and court failed to site record that could back up the \_\_\_\_\_ claims of these finding of \_\_\_\_\_ that were the basis for the decision.

For example the judge stated as a fact there were \_\_\_\_\_ during my employment but did not provide one piece of evidence or site the record as to when, where and to whom these \_\_\_\_\_ incidents occurred during my employment. The \_\_\_\_\_ provided no evidence at all to back up these claims of \_\_\_\_\_ incidents. There was also no clarification or reason given for not reviewing my motion for reconsideration.

Article 2, § 11 of the Arizona Constitution requires that "Justice in all cases shall be administered openly, and without unnecessary delay." Article 6, Section 21 provides that "Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the submission thereof. The supreme court shall by rule provide for the speedy disposition of all matters not decided within such period." See Rule 91(e), Rules of the Supreme Court; A.R.S. § 12-128.01. In addition, A.R.S. § 11-424.02(A) prohibits a justice of the peace from receiving compensation if a cause "remains pending and undetermined for sixty days after it has been submitted for decision." These and other time requirements are discussed in depth in Arizona Judicial Ethics Advisory Committee, Advisory Opinion 06-02 (April 25, 2006)

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