

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-058

Judge:

Complainant:

ORDER

July 3, 2019

The Complainant alleged a superior court judge failed to timely rule in a civil matter.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Commission members Denise K. Aguilar and Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 3, 2019.

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

FOR OFFICE USE ONLY

2019-058

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.

On I filed a Civil Complaint under Rule (H) Complex Litigation and Rule 23 Class action claims. The judge failed to follow the procedural rules of Rule 23(C)(1)(A). After

I filed an Application for Certification Order () asking the Judge to follow the procedure, and hold a hearing and determine by order whether to certify the action as a Class Action.

The Judge, to this day, has not held a hearing nor has she made a decision on this matter. The Judge has allowed litigation to continue while neglecting the procedures of Rule 23(C)(1)(A)(B), and Rule 23(9), thus depriving the Class of their Due Process right. First, the judge is in violation of Canon 3B(8) of the code of Judicial Conduct, which requires a judge to dispose of judicial matters in a prompt, efficient, and fair manner. Second, the Judge is in violation of the Ariz. Const. Art 6 § 21, which reads: "Every matter submitted to a judge of the for his or her decision shall be decided within sixty days from the date of submission thereof. The shall by Rule provide for the speedy disposition of all matters not decided

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within such period. Finally, the judge has violated a state created liberty interest, and deprived myself and the class of our federal Due Process rights. See Lambright v. Stewart, 167 F.3d 477 (9th Cir. 1999). Where the 9th Cir. Court of Appeals held, "By failing to follow its own procedural rules, Arizona violated a state created liberty interest and thereby deprived Plaintiffs of their federal Due Process rights."