

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-259

Judge:

Complainant:

ORDER

November 13, 2019

The Complainant alleged a superior court commissioner issued contradictory orders.

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 Commission Rules 16(a) and 23(a).

Commission members Christopher W. Ames, Colleen E. Concannon, George H. Foster, Jr., Christopher P. Staring and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 13, 2019.

2019-259

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 _____ filed a motion to strike the Respondent's untimely response to his motion to vacate .

On _____ the Court held a hearing regarding _____ motion to vacate. (See attachment) During the hearing, the Court granted _____ motion to strike. The Court stated, "

".
_____.

_____ proceeded to present his oral argument regarding his motion to vacate with the understanding that the Respondent's response was stricken and all that _____ At the conclusion of the hearing, the Court took the matter under advisement to issue a ruling at a later date.

On _____ however, the Court filed an In Chambers Under Advisement Ruling in which it denies motion to strike Respondent's Response to Motion to Vacate. (See _____).

The In Chambers Under Advisement Ruling contradicted the decision Judge _____ made in open court on _____. There was no new evidence presented after the hearing. Moreover, the Respondent did not file any motion for reconsideration and the Court did not hold another hearing on its own motion.

On _____ filed an Amended Notice of Appeal informing the Court of the contradicting judicial rulings. (See attachment _____)

Finally, on _____ filed a motion for clarification which was denied.

As such, it appears the Judge _____ is aware of the contradicting rulings but refuses to correct the error.

The facts presented in this complaint appear to support violations of the Arizona Code of Judicial Conduct, Canon 1, Rule 1.1, 1.2, Canon 2, Rule 2.2, 2.3, 2.5, 2.6, and 2.7.

CONFIDENTIAL

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

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IN THE COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY

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Petitioner,

vs.

Respondent.

No.

BEFORE THE HONORABLE:

COMMISSIONER OF THE

COURT

RE: PETITIONER'S MOTION TO VACATE INTERLOCUTORY ORDERS FOR

FATALLY FLAWED PETITION

(Transcribed from a digitally equipped courtroom.)

Reported by:

1 APPEARANCES:

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3 FOR THE PETITIONER:

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5 BY:

PRO PER

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P R O C E E D I N G S

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3 THE COURT: Okay. It's time for the hearing
4 set in Sir, go ahead for the record. Just state
5 your full name.

6 your Honor.

7 Good morning. Pro Se.

8 THE COURT: Good morning. All right. This
9 hearing was set to begin at The respondent is now
10 appearing -- or the respondent is now self-represented
11 according to the paperwork that was filed with this Court.
12 She was made aware of this hearing. The Court is going to
13 proceed with today's argument in her absence.

14 Sir, are you ready to proceed?

15 Yeah. I have some preliminary
16 matters, your Honor.

17 THE COURT: Go ahead.

18 I filed a motion for
19 clarification based on the judgment that was filed on the
20 because it was entered pursuant to which
21 is for
22 case. was that it was entered based on
23 78(b) deals with a claim that is final but does not
24 dispose of all of the claims in the case.

25 THE COURT: And did -- is it in a Minute

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**