

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-351

Judge:

Complainant:

ORDER

February 12, 2020

The Complainant alleged an appellate court judge stated false information in an order.

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 Colleen E. Concannon, George H. Foster, Jr., and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 12, 2020.

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: Complaint Against

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Judge's Name:

Court:

I have a case before this judge

Case No.

There is a motion pending.

The attorney did not enter an appearance

I understand the commission cannot reverse court orders or assign a new judge to a case: **Yes**

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.

Complaint Against A Judge:

Complainant:

Judge's Name

Judge included mis-information in an order, which is not ethical. His order alluded to a late filing in the Court as the reason for denying my motion to "Vacate Mandate Motion to Stay Mandate".

There is no excuse for false information being included in an order, when the dates are all available to him. He wanted to deny my motion so he used a false reason/premise to justify that denial. My motion in the Court was file prior to the deadline. It was not late. He did not want to grant the motion so he fabricated a reason not to do so. There is no gray area. The statement is within his order. He does not have the right to make up stuff or to fabricate in order to justify a denial.

He also implies that he does not wish to adhere to the rules which mandate that the Clerk correct anything that is due to an error by the Clerk. He has a duty to obey the Rules of Court.

Judge _____ seems to feel that his is above the rules and that he does not have a responsibility to be truthful in his orders.

Judge _____ is on _____, and he has a responsibility to lead by example. It is my opinion that, he feels because he is the _____ and a member of _____, he can engage in questionable conduct, misconduct, and unethical conduct. He should face the same consequences as any other judge.

Respectfully Submitted,