

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-023

Judge:

Complainant:

ORDER

April 16, 2020

The Complainant alleged that a justice of the peace failed to properly transmit his appeal to the superior court.

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).

Copies of this order were distributed to all appropriate persons on April 16, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-023

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.

REPEATEDLY REQUESTED THE CLERK ADMINISTRATOR
OF JUDGE TO TRANSFER HIS FULLY BRIEFED APPEAL
TO THE DIVISION OF THE
COURT TO PROCESS AND LITIGATE THE APPEAL. THE
JUDGE FAILED TO TRANSFER THE TIMELY APPEAL WHICH
WAS NOTICED THE SAME DAY THE FINAL JUDGEMENT WAS
ENTERED AND THIS WITHIN THE DAY PERIOD.
HAS A PERMANENT FEE WAIVER AND
THAT THE COST BOND BE WAIVED. YET THE
COURT JUDGE STILL REFUSES TO TRANSFER THE
FULLY BRIEFED APPEAL TO BE HEARD.

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COMPLAINT AGAINST A JUDGE

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VARIOUS OTHER POST JUDGMENT MOTIONS TO
TRANSFER THE APPEAL TO COURT HAVE BEEN
LOST OR NOT PROPERLY FILED BY THE JUSTICE COURT

Re: Case No.

Dear Mr.

I have reviewed your complaint against Judge _____ in which you allege that he failed to rule on your "Motion for Relief for Judgment or Order pursuant to RPEA 15." In reviewing the court file, it appears that a motion for change of judge for cause was granted on _____ and on _____ the matter was transferred to another court. the Presiding _____ Justice of the Peace, transferred the matter to the _____ Court, however, that court has a standing procedure to recuse on cases involving Mr. _____ firm. Thus, the matter was transferred to the _____ court where Judge _____ is the elected Justice of the Peace for that precinct.

Based on my review of the file, your four motions for relief from the judgment were filed on _____ and _____. The filing dates for these motions were after Judge _____ was no longer handling the matter. If you wish to file a complaint against the judge that is now assigned to hear this matter, you may do so. A blank complaint form is enclosed with this letter. Thank you.

Sincerely,

Encl. - Complaint Form