

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-276

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Judge:

Complainant:

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**ORDER**

December 16, 2020

The Complainant alleged a pro tem superior court judge was biased against him, lacked competency, improperly dismissed his civil action, and refused to explain his rulings.

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 member Colleen E. Concannon did not participate in the consideration of this matter.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2020-276
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**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.

Hello

Please see attached document titled "What is Going on Here?" including attachments/exhibits.

Sincerely,

**CONFIDENTIAL**

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

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BLANK

Hello

The title of this document is: WHAT IS GOING ON HERE?

My name is \_\_\_\_\_ and we have communicated previously regarding another Judge in \_\_\_\_\_ County (Judge \_\_\_\_\_ Case No. \_\_\_\_\_.) Judge \_\_\_\_\_ was recused from that matter on \_\_\_\_\_ (a copy of that minute entry is attached). Interestingly, that matter ( \_\_\_\_\_ ) was reassigned to this judge \_\_\_\_\_ for which this complaint is being filed (yes, \_\_\_\_\_ has been assigned to both matters for which I am a pro-se litigant). This complaint, however, is regarding a different case ( \_\_\_\_\_ ) as I have not yet had any interaction with Judge \_\_\_\_\_ on the other matter ( \_\_\_\_\_ ) previously assigned to Judge \_\_\_\_\_

I now have to file another complaint against another judge. Please let me be clear and explain that I do not want to take these steps and file *another* complaint against *another* \_\_\_\_\_ County judge. I have no choice. Either I file this complaint or wait for the legal process to complete and then file an appeal. Time is of the essence in this matter so waiting to file an appeal would disproportionately favor the defendants and diminish my ability to be heard.

There appears to be, based on my interactions with the \_\_\_\_\_ County judicial system, clear violations of judicial misconduct. That is why I named this document, WHAT IS GOING ON HERE?. I am not certain and don't want to go as far as stating corruption but that could be a possibility (maybe I'm just unlucky and the only two judges I have been involved with are unprofessional...who knows). A thorough investigation by the appropriate authorities may be necessary after you review my complaint. Please provide me guidance to seek the appropriate authority if the Commission is not the appropriate venue.

My understanding of the judicial code of conduct is (among other things) that a judge should uphold the integrity and independence of the judiciary. A judge should avoid impropriety and the appearance of impropriety in all activities. A judge should perform the duties of the office fairly, impartially and diligently.

At a minimum the two judges that I have been involved with ( \_\_\_\_\_ ) lack competency in the performance of their duties. However, I will leave that decision up to others with higher authority which may require an appeal of this matter on my part. To a greater extent, the two judges fail to meet the basic rules of the judicial code of conduct described briefly above. I believe that your review of the attached documents will be sufficient for you to make that same conclusion.

This judge, the Honorable \_\_\_\_\_ was assigned to the foregoing matter from the onset of the action. I have never formally met Judge \_\_\_\_\_ and had no previous interaction with Judge \_\_\_\_\_ until the following court procedures, actions, and pleadings took place (supplied as exhibits/attachments to this complaint). This is only the beginning in terms of legal proceedings for this matter but if this behavior is how we begin then the judicial system here in \_\_\_\_\_ County has some serious problems procedurally. What is going on here?

Please respond at your convenience.

The following is a list of Exhibits/Attachments to this complaint. I have also included some discussion points to aid in the performance of the Commission's duties regarding this complaint.

Exhibits attached:

1) Exhibit 1, (1) One page - Court Order/Ruling recusing Judge from case  
This importance of this recusal is that Judge as the assignee judge is now overseeing two cases involving me as a pro-se litigant (one as defendant and the other as plaintiff). From my perspective this automatically creates the potential for judicial bias (especially after reviewing the events that have taken place to date). All joking aside, seriously, what is the issue that the court has with pro-se litigants?

2) Exhibit 2, (1) One Page - List of Filings for Case - this is to assist the Commission with its review by noting the timing of events and as support for the other exhibits attached. The timing is interesting to say the least because Judge essentially stated in his first minute entry in this matter (signed by Judge on but didn't get recorded until ), "... were happening. During my preparation of the Joint Report, Proposed Scheduling Order and other communications with Defendants' council, I found evidence to support the filing a Rule 56 Motion for Partial Summary Judgment. I did so timely and under the specific rules of Rule 56. As you will see on the List of Filings (Document #12 in the List) the court did place this action on the " calendar on During that time and continuing to date many " were happening related to this action which is normal and customary outside of the Court's knowledge (the court expects litigants to follow Rule 16 and Rule 26.1 and Defendants' council and I were in communication under that guidance). I also explained this in detail to Judge in my Motion to Set Aside (Document #3 in the list and provided here as well).

3) Exhibit 3, (16) Sixteen Pages - The Commission should pay attention to specifically Documents #1 through #5 presented on the List of Filings (2) above – these documents are provided to illustrate what appears to be a misuse and abuse of judicial authority and potentially some level of incompetence related to Judge performance (the code of conduct states, "A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration,...").

Also, for your information, I have not filed a Motion for Clarification related to the Order: Court Order Ruling, but intend to do so within the next few days. I need to do this to ensure that the Court Records include my concerns for appeals purposes and to gather a response from the Court (Judge ) as to why he is doing what he is doing?

The basic premise of my Motion for Clarification will be to point out to Judge that he disregarded my pleading ( Plaintiffs Motion to Set Aside) and simply stated in his response, "

." Judge clearly misunderstands the entire purpose of a Rule 56 motion. Again, Rule 56 is to expedite not delay. Is Judge angry with me as a Pro-se Plaintiff by stating, " "? Judge also " " while performing his research on the history of Rule 38.1, that he made a mistake due to a COVID19 Administrative Order from the Supreme Court of Arizona and therefore, reinstated the case to the dismissal calendar simply because he " " this. I wasn't even suggesting that COVID19 was a

cause of any delays. I was simply doing legal research and considering my options to facilitate this case. I find it hard to believe that had I not filed a Motion to Set Aside that Judge [redacted] would have reinstated this matter on his own accord (he would not have been looking and this case would have been dismissed). In addition, Judge [redacted] concluded that a Rule 16 filing (joint report and proposed scheduling order) is mandatory which is clearly a misunderstanding of Rule 56.

The major issue I have with Judge [redacted] Order is that he further ordered an extension of time for the defendant to respond to my Motion for Partial Summary Judgment (Rule 56) filed on [redacted] (see item 7 of the List of Filings). The allowed time to respond to a Rule 56 is 30 days plus 5. Defendants' response(s) would have been due on or about [redacted]. This decision is without merit or judicial precedence. Judge [redacted] is simply abusing his judicial authority allowing the defendant(s) more time. The Defendants' council wasn't requesting more time to respond beyond [redacted] (See, Document #5 in the List, Defendants' Extension Request). Defendant now has an unspecified time to respond (which is actually based on my requirement to do something). So in essence Judge [redacted] gave the defendant more time than they requested. Why? This puts me at a severe disadvantage in a civil matter and is biased toward Defendants. Interestingly for your consideration, please note that Defendants' Motion to Extend (Document #5 on the List of Filings and provided for your convenience) was incomplete apparently missing page 3 and duplicating page 2. The request should have been denied procedurally due to pure sloppy unprofessional work on behalf of Defendants' council. So again, how is Judge [redacted] making his decisions? Is he communicating with Defendants' council? [redacted]? It sure appears as though the two are in collusion. It's definitely worth considering and investigating.

Judge [redacted] decision(s) severely impacted and continues to impact my opportunity to be heard. I am not being treated fairly as it is clear to me based on the circumstance so far that Judge [redacted] is biased and exhibiting judicial preference.

**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.**