

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-292

Judge:

Complainant:

ORDER

February 3, 2021

The Complainant alleged that a superior court commissioner failed to accommodate his disability and exhibited bias in a garnishment proceeding.

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 February 3, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-292

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.

In a telephonic hearing, Commissioner _____ required that I provide a written answer as _____ in _____ but he didn't provide me instructions. And further, he left it up to the opposing counsel to provide me a copy of the form that needs to be completed. This is improper because this questionnaire is not filed with the Clerk of Court. The Commissioner said, "

' This produces a catch 22. in that; I am dependent on _____ to produce the questionnaire that needs completion. _____ refused to answer my emails. As I was attempting to explain my situation in regard to my head injury, the Commissioner closed the hearing, effectively hanging up. I lose things easily as a result of my head injury. The questionnaire should have been provided as an accommodation with the Americans with Disability Act.

The Commissioner also exhibited bias against the _____ by imploring and inviting _____ to refile her petition for attorney's fees if I didn't file the answer with the _____. I stated during the hearing that _____ had ignored my emails for months and pretended to be disinterested only to follow with a motion for attorneys fees for failure to respond to the questionnaire. I said this was a possible violation of the Bar Ethics (ER4.3 AZ State Bar Ethics) when acting disinterested with an unrepresented party. I repeatedly asked her in emails if she needed this _____ document during and after the _____ lockdown. She ignored my emails only to file a petition later asking for attorney's fees. The Commissioner stated that my Bar complaint was likely to be dismissed against _____ and filing it would be meaningless and unnecessary, effectively discouraging me from filing an Ethics complaint against attorney _____. I find it improper that the Commissioner would advocate for the attorney representing the plaintiff during the hearing and there appears to be an element of bias in favor of _____. This is improper.

The emails will show that I asked _____ for the questionnaire and she ignored said request. There appears to be an element of collusion between Commissioner _____ and Attorney _____. I clearly explained Commissioner _____ that I didn't have the questionnaire in my possession. He allowed her to decide whether or not she would send the questionnaire. She didn't send the questionnaire. I dug through the emails and found what I thought was the correct document. Perhaps I placed the wrong date on the questionnaire, leading to Attorney _____ to ask for attorney fees because the date may be incorrect. It appears improper that Commission _____ would make me responsible for completing a document within _____. This improper because _____ refused to provide the document. This provides Attorney _____ a financial incentive to deny me the correct document but imposes a sense of urgency upon me to submit it to the court. with the increasing probability that I'll make an error. It seems as if I was set up for failure between _____ and Commissioner _____.

To aggravate the situation, Attorney _____ also hired a private investigator to look into all kinds of things unrelated to the _____ questionnaire demanded by Commissioner _____. I request an inquiry into the ethics of Commissioner _____ in this matter, for I believe them to be improper and unprofessional. I am filing a BAR complaint against _____ separately. A copy of this complaint will be provided to them.

CONFIDENTIAL

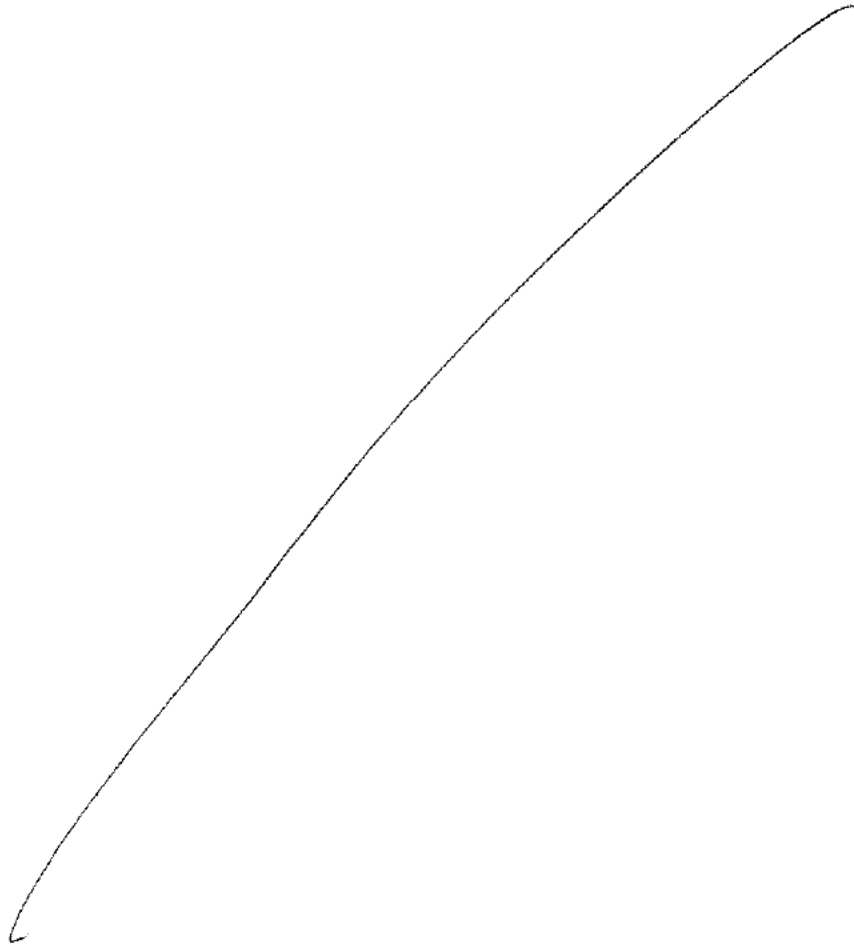
Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

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.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE

OF THE STATE OF ARIZONA

IN AND FOR THE

No.

ORDER TO SHOW CAUSE

vs.

Cause appearing from the verified Petition and pursuant to RCP6 (d),

IT IS ORDERED that YOU:

appear at the time and place designated below and show cause why the immediate relief should not be given which is requested in the Petition for Order to Show Cause Re: Failure to Answer Writ of Garnishment, the original of which has been filed with the Clerk of this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Court and a true copy of which shall be served upon you, along with a true copy of this Order to Show Cause, by the party seeking the relief.

BEFORE WHOM APPEARANCE TO BE MADE:

DATE OF TIME OF APPEARANCE:

PLACE OF APPEARANCE:

IT IS FURTHER ORDERED that a true copy of this Order to Show Cause and a true copy of the verified Petition on which it is based be served upon the parties who are required to appear, in accordance with RCP5 (a).

_____ has the option of not appearing at the hearing by filing and serving an Answer at least _____ before the appearance date. If _____ fails to answer the Writ or appear at the hearing, then the Court will render a Judgment against the _____ in the full amount of the Judgment against the Judgment Debtor.

DONE IN OPEN COURT THIS DATE: _____

eSignature Page 1 of 1

Filing ID: Case Number:
Original Filing ID:

Granted with Modifications



**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.**