

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 21-154

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Judge:

Complainant:

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**ORDER**

The Complainant alleged that a superior court commissioner interfered with his right to counsel and did not allow him to file any *pro se* pleadings.

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.

After review, the Commission found that the judicial officer violated the Complainant's right to be heard. While this was improper under Rule 2.6(A) of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding her of her obligation to ensure every person who has a legal interest in a proceeding, or that person's lawyer, has the right to be heard according to law.

Dated: January 26, 2022

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were distributed to all appropriate persons on January 26, 2022.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

21-154

**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.

I am being charged with four felonies that were made via a Direct Complaint. In \_\_\_\_\_ I hired \_\_\_\_\_ attorney \_\_\_\_\_ to represent me and take this case straight to trial. Unbeknownst to me, \_\_\_\_\_ on \_\_\_\_\_ filed a motion to withdraw. Without giving me any notice or an opportunity to be heard, \_\_\_\_\_ signed an order allowing the withdraw on \_\_\_\_\_. This was just days before the preliminary hearing was scheduled. Thus, I have been deprived of counsel at a critical stage of these proceedings. However, when I have filed my own pro se pleadings in an attempt to at least make some kind of defense for myself, \_\_\_\_\_ has repeatedly struck my pleadings and, in fact, specifically ORDERED me not to file any pleadings at all or have any communications with the opposing party (the County Attorney's Office).

Attached are the orders signed by \_\_\_\_\_ in which she strikes my pleadings and orders me not to file any motions or oppositions to the \_\_\_\_\_ motions. This is really unfair because the \_\_\_\_\_ has filed at least four different motions asking for relief, which I would like to oppose. But I am not allowed to do so because \_\_\_\_\_ keeps striking my pleadings and ordering me not to defend myself!

It is my position that \_\_\_\_\_ is violating my Access to Courts rights and my right to Due Process. And her actions in allowing my paid for attorney to withdraw without giving ANY notice or an opportunity to be heard is a violation of my Sixth Amendment right to counsel - especially when we are at a critical stage of these proceedings.

\_\_\_\_\_ allowed my retained counsel, \_\_\_\_\_ to withdraw from this case without giving me benefit of any notice or an opportunity to be heard, and thus far no other attorney is willing to represent me.

Yet when I try to respond to the allegations made by the \_\_\_\_\_ she strikes my pleadings and orders me not to file anything, leaving me both silent and hamstrung.

How is this situation possibly fair?

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SUPERIOR COURT OF ARIZONA  
COUNTY

CLERK OF THE COURT

v.

(001)

MINUTE ENTRY

The Court having received and considered the *Motion to Withdraw as Counsel of Record*,  
filed by \_\_\_\_\_ with \_\_\_\_\_ good cause appearing,

IT IS ORDERED granting the motion and withdrawing the \_\_\_\_\_ as attorney of  
record in the above-entitled cause number.

SUPERIOR COURT OF ARIZONA  
COUNTY

CLERK OF THE COURT

v.

(001)

CONTINUANCE

Courtroom

State's Attorney:

Defendant's Attorney: Not Present

Defendant: Present (virtual)

A record of the proceedings is made digitally in lieu of a court reporter.

This is the time set for Status Conference in the above entitled cause number. There appears to be audio issues as the Defendant's audio feed was not initially working, but seems to be operational now so the matter will proceed at this time.

Defendant advises the Court that he has not retained counsel as of yet.

SUPERIOR COURT OF ARIZONA  
COUNTY

The Court gives the Defendant information on Public Defense Services – Contract Attorneys. The website is: \_\_\_\_\_ The Defendant may wish to contact attorneys on the Contract List and see if perhaps he may retain counsel from one of them. The Contract List attorneys are not required to accept the Defendant’s case, but the Contract List may give the Defendant some additional possible contacts.

On the Court’s motion, based on the following grounds:

To allow time for the Defendant to retain counsel,

IT IS ORDERED vacating the Court’s \_\_\_\_\_ Order to appoint an attorney from OPDS.

IT IS ORDERED granting the Motion for Continuance, the Status Conference this date is continued and reset to \_\_\_\_\_ before this Division.

IT IS ORDERED vacating Preliminary Hearing on \_\_\_\_\_ and resetting to before this Division.

The State requests the Court to inform the Defendant that he is not to contact or attempt to contact the prosecutor and/or the prosecutor’s office/staff. The Court advises the Defendant that he is not to contact or attempt to contact the prosecutor or the prosecutor’s office/staff because is he not representing himself. In addition, since the Defendant is not representing himself, he is not to file motions or subpoenas.

IT IS FURTHER ORDERED denying all the Motions including Motions/Requests for Subpoenas, Discovery, and Requests for an Investigator and Special Prosecutor that have been filed to date by the Defendant. Defendant is not authorized to file any such Motions and/or Requests at this time because he is not representing himself and is still in search of an attorney.

IT IS ORDERED excluding time.

Matter concludes.

FOR ALL IN-PERSON APPEARANCES. Due to the spread of COVID-19, the Arizona Supreme Court Administrative Order 2020-197 and Superior Court Administrative Order 2021-013 requires all individuals entering a court facility to wear a face mask at all times they are in the court facility. With limited exceptions, the court will not provide face masks. Therefore, any individual attempting to enter the court facility must have an appropriate mask to be allowed entry to the court facility. Any person who refuses to wear a face mask as directed will be denied

**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.**