

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-222

Judge:

Complainant:

ORDER

December 22, 2021

The Complainant alleged that a superior court judge did not give reasons for his denial of a motion and did not report an attorney for alleged misconduct.

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 Barbara Brown and Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 22, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-222

COMPLAINT AGAINST A JUDGE

Name: _____ Judge's Name: _____ Judge

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.

SEE ATTACHED COMPLAINT WITH EXHIBITS.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-222

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name:** _____ **Judge**

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.

SEE ATTACHED COMPLAINT WITH EXHIBITS.

[Redacted]

[Redacted]

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

RE: HONORABLE [Redacted]

Ladies and Gentlemen:

My name is [Redacted] I am a [Redacted] of the State of Arizona living and working for gain within [Redacted] County. My purpose for writing this letter is to lodge an official complaint against Hon. [Redacted] (“Honorable Judge”) a judicial officer of the [Redacted] Court of Arizona.

The factual basis of this complaint arises from [Redacted] Court of Arizona [Redacted] case no. [Redacted] (the “suit”) presided over by the Honorable Judge. The Plaintiff, [Redacted] (“[Redacted]”), was represented by attorney [Redacted] I, the Defendant, was represented by Attorney [Redacted]

[Redacted] filed the suit against my [Redacted] and I, and the company we both own, for breach of contract, breach of fiduciary duty and motion to quiet title. For [Redacted] the matter was heard and the trial was concluded. Finally, on [Redacted] the Honorable Judge delivered the Court’s judgement in favor of [Redacted] A true and accurate copy of the judgement is attached hereto, marked “EXHIBIT 1”, and by this reference is incorporated herein.

Aggrieved by the decision of the Court, On _____, my _____ and I filed a *pro se* motion for relief from judgement. The motion was premised on fraud and the facts that _____ had produced false information and records before the trial court. Furthermore, the motion implicated _____ attorney for knowingly and willfully using the false information and records to persuade the court to rule in favor of _____. A true and accurate copy of the motion for relief from judgement is attached hereto, marked "EXHIBIT 2", and by this reference is incorporated herein.

Upon receipt and review of the motion, the Honorable Judge assured my _____ and I that _____, attorney for _____, shall be reported for misconduct in accordance with Rules 2.15 and 2.16 of the Arizona Judicial Code of Conduct.

On _____ the Honorable Judge ruled on the motion and to my utter surprise, the ruling contained _____ short sentences. The first sentence referred to the motion and response to the motion without further detail as to their contents. The second sentence mentions the _____ trial and the date when the judgement was delivered. The third sentence denies the motion and refers to reasons not stated by the Honorable Judge. Finally, the fourth sentence contains the order denying the motion. A true and accurate copy of the ruling is attached hereto, marked "EXHIBIT 3", and by this reference is incorporated herein.

For reasons stated herein, I file this complaint alleging that

1. The Honorable Judge failed to give an analysis issues raised in the motion for relief from judgment and the response to the motion;
2. The Honorable Judge failed to give the reasons guiding the hand of the court to the dismiss the motion for relief from judgement on _____ and _____
3. The Honorable Judge failed to execute its duty under Rules 2.15 and 2.16 of the Arizona

Judicial Code of Conduct as no complaint or report was made against actions
and conduct in the suit.

The Arizona Commission on Judicial Conduct is charged with the responsibility for protecting the public from inappropriate execution of judicial duties and responsibilities. For these reasons, I submit this Complaint and ask that the Commission act against the Honorable Judge, and also make public the various acts of misconduct described herein.

Thank you in advance for your consideration and anticipated cooperation.

Yours faithfully,

**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.**