

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-271

Judge:

Complainant:

ORDER

The Complainant alleged that a justice of the peace failed to timely rule on a matter.

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 reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission approved sending the judge an advisory letter reminding her of her obligations to issue timely rulings under Rule 2.5(A) of the Code, and to appropriately supervise her staff under Rule 2.12(A) to ensure rulings are appropriately distributed and documented as distributed. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission member Barbara Brown did not participate in the consideration of this matter.

Dated: March 21, 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 March 21, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-271

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.

Judge _____ has failed to render a decision regarding Plaintiff's damages since an evidentiary hearing was held on _____ and despite Plaintiff's written Motion to do so filed on _____
On _____ the Court granted Plaintiff partial summary judgment re: liability and set an evidentiary hearing on damages for _____. At that hearing, the Court requested further proof and set another evidentiary hearing for _____. At the conclusion of that hearing, the Court took the matter under advisement.

After repeated telephone calls seeking the status of the case and saying the matter was still under advisement; on _____ Plaintiff's counsel filed a Motion requesting a ruling on Plaintiff's claimed damages. To date, no ruling has been rendered. Judge _____ has violated the Code of Judicial Conduct by failing to decide the case in a timely manner as it is now well beyond the 60 day requirement. See *In Re Matter of Braun*, 180 Ariz. 240, 883 P.2d 996 (1994); *In Re Weeks*, 134 Ariz. 521, 658 P.2d 174 (1983).

Attorney for Plaintiff
IN THE

COUNTY OF

STATE OF ARIZONA

Plaintiff,

vs.

Defendant.

Case No.

MOTION FOR
RULING ON PLAINTIFF'S
CLAIMED DAMAGES

Plaintiff, by and through counsel undersigned, pursuant to *Rule 120 and Rule 139, Justice Court Rules of Civil Procedure*, moves this Court for a ruling on Plaintiff's alleged damages after the evidentiary hearing held on

On this Court granted Plaintiff's Motion for summary judgment re: liability but requested an evidentiary hearing be set re: damages. See attached minute entry. The Court set an evidentiary hearing on at which was held. The hearing was then continued for further testimony on After that hearing, the Court took the matter under advisement.

The Court has now had the matter under advisement for over 90 days, 30 days longer than the 60-day requirement for making a ruling. Therefore, Plaintiff requests the Court rule on Plaintiff's damages as supported by the complaint and subsequent evidentiary hearings.

COPY
STAMP & RETURN

DATED this _____ day of _____

By _____

Attorney for Plaintiff

Copy of the foregoing mailed
this _____ day of _____ to:

Defendant _____

By _____ / _____

Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone
PRO PER

Attorney for Plaintiff (s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

RULING ON MOTION

On this date, _____ the Plaintiff Defendant filed a motion requesting the following relief:

Motion for Summary Judgment

The Plaintiff Defendant Did not file a responsive pleading
 Filed a response to the motion on this day _____

The Plaintiff Defendant Did not file a reply
 Filed a reply to the response on this day _____

The Court, has considered that which has been submitted by the parties
IT IS ORDERED Granting said motion Denying said motion

IT IS FURTHER ORDERED

GRANTING summary judgment as to liability. A comparison of the complaint in this matter and the judgment entered in _____ shows that there is no material issue of fact that the damages sought in this case concern amounts incurred or accrued after the entry of judgment in _____ and that the nature of the damages sought is supported by the evidence in the motion for summary judgment.

DENYING summary judgment as to the amount of damages as set forth more fully on the record.

SETTING this matter for hearing as to the amount of damages.

EVIDENTIARY Hearing set for _____

Date: _____

I CERTIFY that I delivered/mailed a copy of this document to:

- Plaintiff at the above address Plaintiff's attorney Defendant at the above Address Defendant's attorney

Date: _____ By _____
Clerk

**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.**