

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-036

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Judge:

Complainant:

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**ORDER**

October 20, 2022

The Complainant alleged improper and untimely rulings by a superior court commissioner hearing an eviction action.

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 Colleen E. Concannon and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 20, 2022.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

22-036
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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.

The Honorable \_\_\_\_\_ County who works in  
 the \_\_\_\_\_ Court. Courtroom \_\_\_\_\_ is Hon. \_\_\_\_\_ judicial \_\_\_\_\_ Hon. \_\_\_\_\_  
 has untimely ruled on all of Defendant's post judgment motions  
 affecting right of possession to real property, and ignored the laws and jurisdiction of their own courtroom.

I am a Defendant in \_\_\_\_\_ an eviction action.

Hon. \_\_\_\_\_ has failed to timely rule on ALL Defendant's post judgment motions affecting the right to possession of property which are emergencies.

On \_\_\_\_\_ Defendant filed an emergency post judgment motion to vacate. Hon. \_\_\_\_\_ took \_\_\_\_\_ to rule on Defendant's first motion. Hon. \_\_\_\_\_ claimed that Hon. \_\_\_\_\_ to rule. Defendant has a record of the phone call, but cannot timely have it transcribed. When Defendant called \_\_\_\_\_ back and read her the law saying the Court had to rule in \_\_\_\_\_ had said it was a mistake and the Court would rule.

On \_\_\_\_\_ Defendant filed a Motion to set supersedeas bond. Hon. \_\_\_\_\_ did not rule on Defendant's second motion for \_\_\_\_\_ and then went on a \_\_\_\_\_ vacation without ruling. Leaving Defendant at risk of being evicted as a writ of restitution had issued. \_\_\_\_\_ claimed that they Court was too busy and dealing with "emergencies" the day before she and Hon. \_\_\_\_\_ went on vacation. An emergency judge had to rule after Defendant called judicial assistant \_\_\_\_\_ the judicial \_\_\_\_\_ and \_\_\_\_\_ an unknown judicial assistant and begged for help. Hon. \_\_\_\_\_ had to issue an emergency ruling.

Defendant requested a bond hearing and no hearing was set. The Court set a wrongful supersedeas bond and added wrongful damages but Hon. \_\_\_\_\_ is not aware of that. Hon. \_\_\_\_\_ might not be required to know the law, but the law is written in Defendant's motions and Hon. \_\_\_\_\_ can read.

On \_\_\_\_\_ Defendant filed a Motion to Vacate Supersedeas Bond and Set New Hearing (the "Motion"). Hon. \_\_\_\_\_ took \_\_\_\_\_ days to rule on Defendant's most recent motion and only ruled because Defendant called presiding judge \_\_\_\_\_ judicial assistant in a panic and complained at great length. Defendant emailed Ms. \_\_\_\_\_ the Motion on \_\_\_\_\_ and called her to get her email and explain that Defendant was emailing her an emergency motion.

On \_\_\_\_\_ when Defendant called Ms. \_\_\_\_\_ claimed that they had "just gotten" Defendant's motion.

Defendant, being unaided could not have self control and refrain from emailing \_\_\_\_\_ because of fear and panic. Defendant is facing irreparable harm and the Court is grossly ignoring very basic and important laws.

On or near \_\_\_\_\_, Defendant sent \_\_\_\_\_ an email stating that Defendant has a recording of \_\_\_\_\_ lying about the amount of time Hon. \_\_\_\_\_ has to rule on post judgment motions and was prepared to take action against Ms. \_\_\_\_\_ and the Hon. \_\_\_\_\_ in the event that the trial court continue to untimely rule.



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Defendant struggles with seizures causing aggristatoin, short term memory loss, nd confusion, yet Hon. \_\_\_\_\_ has ignored all evience of Defendant's medical hardship and forced Defendant to litigate anyways.

Hon. \_\_\_\_\_ has done all of this without jurisdiction, as Defendant was never even serveed by the Plaintiff in \_\_\_\_\_ Defendant has requested a change of judge because Defendant believes Hon. \_\_\_\_\_ actions are motivated by personal prejudice.

Defendant believes that Hon \_\_\_\_\_ continued refusal to timely rule on emergency matters demonstrates a gross lack of consideration for emergencies, the law, and Defendant who is facing hardship.

Hon. \_\_\_\_\_ is running out Defendant's time to take other actions to prevent eviction by untimely ruling as if hoping the \_\_\_\_\_ will evict Defendant before the Court is required to rule.

It is impossible for Hon. \_\_\_\_\_ to remain neutral in this situation given Defendant's email to Ms.

and Ms. \_\_\_\_\_ either lie or grossly negligent statement claiming that Hon. Cronin had \_\_\_\_\_ Furthermore, given the pattern of untimely rulings it is clear that Hon. \_\_\_\_\_ are already prejudiced against Defendant.

Defendant has a legal right to rely upon the rules that are written, and Defendant has no time to take other measures when the Court delays and Defendant faces irreparable harm.

Defendant is filing against \_\_\_\_\_ in Federal Court for color of title, and have filed a judicial complaint against \_\_\_\_\_

A true and complete copy of Defendant's called saved showing Defendant's recorded phone calls with \_\_\_\_\_ and that Defendant called \_\_\_\_\_ frequently in panic asking for a ruling is attached as hereto Exhibit "A".

A true and complete copy of the calendar showing each date that a motion was filed and ruled upon is attached hereto as Exhibit "B".

A true and complete copy of Defendant's motion to vacate supersedeas bond is attached hereto as Exhibit C".

A copy of the Hon. \_\_\_\_\_ denial of Defendant's motion to vacate supersedeas bond and fois attached hereto as Exhibit D"

Arizona Rules of Eviction Procedure Rule 15(c) c. A post judgment motion affecting possession of the property shall be treated as an emergency matter and decided within three couDefendant requested a hearing. Rule 7(2), Ariz. R. Civ. P requires the Court set bond hearing on the request of any party: Ariz. R. Civ. App. P. 7(2): ...Unless the motion is uncontested, on request of any party, the superior court must hold a hearing on a motion to set bond.

When the rules use the word "must", it means it is a requirement, and not up to discretion.