

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-048

Judge:

Complainants:

ORDER

November 16, 2022

The Complainants alleged a superior court judge made incorrect rulings in a civil case.

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 Michael J. Brown and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 16, 2022.

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

FOR OFFICE USE ONLY

2022-048

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.

This complaint is being filed because of Judge _____ not upholding the Rules of the Court throughout this case (

Judge _____ issued a Scheduling Order yer repeatedly did not hold the defendant to the Scheduling Order deadlines. Plaintiffs filled a Motion for Contempt, because of Defendants repeted lies. In the hearing Judge _____ rendered the Motion Moot. Additionally Plaintiffs filed a Motion to Compell due to Defendant not responding to Questions and Interrogatories yet defendant did not. answer for nearly months. Additionally, Judge _____ did NOT uphold the rules and procedures pertaing to Summary Judgemnt as outlined in civil rules and procedures rule 56. Which was argued on

Rule 56 (a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

(b) Time to File a Motion. Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until _____ days after the close of all discovery.

(c) Procedures.

(1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

(2) Objection That a Fact Is Not Supported by Admissible Evidence. A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

(3) Materials Not Cited. The court need consider only the cited materials, but it may consider other materials in the record.

(4) Affidavits or Declarations. An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

(d) When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or declarations or to take discovery; or

(3) issue any other appropriate order.

(e) Failing to Properly Support or Address a Fact. If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may:

(1) give an opportunity to properly support or address the fact;

(2) consider the fact undisputed for purposes of the motion;

(3) grant summary judgment if the motion and supporting materials — including the facts considered

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In Plaintiffs amended response to defendants motion for summary judgment we made clear according to Rule 56(a) that there is in fact genuine dispute to ALL material facts in this case.
Rule 56(b) time to file motion for summary judgment long expired as per the scheduling order.
Rule 56(c) Procedure Plaintiffs showed that repeatedly Defendant contradicted her story and was not truthful in her statement of fact or her sworn affidavit.

Yet despite all of this, Judge _____ still ruled in favor of the defendant. Her ruling is almost as disgusting as the original crime, if not worse. Ms. _____ has abused her power and has not upheld the rules of the court or the laws of our state.

Thank you for looking into this matter and holding Judge _____ accountable for her actions.