

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-198

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Judge:

Complainant:

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**ORDER**

April 5, 2023

The Complainant alleged a superior court commissioner acted in a civil case in violation of a bankruptcy stay.

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 complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Copies of this order were distributed to all appropriate persons on April 5, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

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| 22-198 |
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**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_ Commissioner

**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 Commissioner received Notice of Bankruptcy filing on \_\_\_\_\_ by me. We had a hearing for competition of application on \_\_\_\_\_. The Commissioner received a copy of Notice of Bankruptcy and informed me that I had to provide him more proof of my filing of Bankruptcy on \_\_\_\_\_ at \_\_\_\_\_ om. Commissioner \_\_\_\_\_ had scheduled another hearing for \_\_\_\_\_ at \_\_\_\_\_ im for an Oral Argument. I informed my bankruptcy attorney about this on \_\_\_\_\_. My bankruptcy attorney didn't understand why Commissioner \_\_\_\_\_ was requesting for an evidentiary hearing for oral argument. My attorney \_\_\_\_\_ sent a Notice of Bankruptcy filing on \_\_\_\_\_. An evidentiary hearing isn't necessary when both the claimant \_\_\_\_\_ received a notice of bankruptcy filing. The Superior Court received a copy of Notice of Bankruptcy filing from me on \_\_\_\_\_. I've called around on \_\_\_\_\_ and been transferred to many departments telling me there was nothing I could do. \_\_\_\_\_ from Commissioner \_\_\_\_\_ chambers informed me there wasn't nothing I could do, the law library, \_\_\_\_\_ from \_\_\_\_\_ transferred me to her supervisor \_\_\_\_\_ who told me the Judge never received a notice of bankruptcy. When \_\_\_\_\_ from \_\_\_\_\_ office confirmed the judge did and required I forward more information. I don't understand what additional information I need to send from a notice of bankruptcy filing that revoke's the claimant \_\_\_\_\_ from trying to collect any of my property I'm protected under 11 U.S. Code § 362 - Automatic stay. Under the 11 U.S. Code § 362 - Automatic stay: The automatic stay is immediately effective when a debtor files a petition for bankruptcy relief. The scope of the automatic stay applies to actions against the debtor and his property.

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The Commissioner received Notice of Bankruptcy filing on \_\_\_\_\_ by me. We had a hearing for competition of application on \_\_\_\_\_. The Commissioner received a copy of Notice of Bankruptcy and informed me that I had to provide him more proof of my filing of Bankruptcy on \_\_\_\_\_ at \_\_\_\_\_ pm. Commissioner \_\_\_\_\_ had scheduled another hearing for \_\_\_\_\_ at \_\_\_\_\_ pm for an Oral Argument. I informed my bankruptcy attorney about this on \_\_\_\_\_. My bankruptcy attorney didn't understand why Commissioner \_\_\_\_\_ was requesting for an evidentiary hearing for oral argument. My attorney \_\_\_\_\_ sent a Notice of Bankruptcy filing on \_\_\_\_\_. An evidentiary hearing isn't necessary when both the claimant \_\_\_\_\_ received a notice of bankruptcy filing. The Superior Court received a copy of Notice of Bankruptcy filing from me on \_\_\_\_\_. I've called around on \_\_\_\_\_ and been transferred to many departments telling me there was nothing I could do. \_\_\_\_\_ from Commissioner \_\_\_\_\_ chambers informed me there wasn't nothing I could do, the law library, \_\_\_\_\_ from \_\_\_\_\_ transferred me to her supervisor \_\_\_\_\_ who told me the Judge never received a notice of bankruptcy. When \_\_\_\_\_ from \_\_\_\_\_ office confirmed the judge did and required I forward more information. I don't understand what additional information I need to send from a notice of bankruptcy filing that revoke's the claimant \_\_\_\_\_ from trying to collect any of my property I'm protected under 11 U.S. Code § 362 - Automatic stay

## Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on \_\_\_\_\_ at \_\_\_\_\_ PM and filed on \_\_\_\_\_

SSN / ITIN:

*fka*

The case was filed by the debtor's attorney: \_\_\_\_\_ The bankruptcy trustee is: \_\_\_\_\_

PO BOX \_\_\_\_\_, SUITE \_\_\_\_\_

The case was assigned case number \_\_\_\_\_ to Judge \_\_\_\_\_

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet home page*

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Bankruptcy Court**

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| <b>PACER Service Center</b> |
| <b>Transaction Receipt</b>  |
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| <b>PACER Login:</b>    |                  | <b>Client Code:</b>     |  |
| <b>Description:</b>    | Notice of Filing | <b>Search Criteria:</b> |  |
| <b>Billable Pages:</b> |                  | <b>Cost:</b>            |  |

Tel:  
Fax:  
Email:

Attorney for Debtor

IN THE SUPERIOR COURT OF THE STATE OF  
IN AND FOR THE COUNTY OF

Plaintiff,

Defendants,

Claimant.

Case No.

NOTICE OF BANKRUPTCY FILING

(Assigned to the Honorable  
)

Notice is hereby provided that on \_\_\_\_\_ (the  
"Debtor") filed a Chapter 13 Bankruptcy Petition in the \_\_\_\_\_ Bankruptcy Court for  
the District of \_\_\_\_\_ under case number \_\_\_\_\_ thereby invoking the  
provisions of the automatic stay under Section 362 of the Bankruptcy Code, 11 U.S.C. 362.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of \_\_\_\_\_

By: \_\_\_\_\_  
Attorney for Debtor

**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.**