

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-252

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Judge:

Complainants:

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**ORDER**

February 22, 2023

The Complainants alleged improper rulings and lack of diligence by a superior court judge hearing a civil case. Complainants further alleged the superior court judge failed to report judicial misconduct that was committed in a related 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).

Copies of this order were distributed to all appropriate persons on February 22, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2022-252

**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

Judge

CJC COMPLANT:

Motion for \_\_\_\_\_ and Motion

On \_\_\_\_\_, Attorney \_\_\_\_\_ filed a "Motion  
and Request for \_\_\_\_\_", \_\_\_\_\_ is holding in her law  
firm's \_\_\_\_\_ worth of Funds from \_\_\_\_\_ (see attached)  
On \_\_\_\_\_ Judge \_\_\_\_\_ issued an Order setting a hearing regarding \_\_\_\_\_ Motion for  
at \_\_\_\_\_ which is \_\_\_\_\_ after the Motion was filed. (see attached)  
At \_\_\_\_\_ on \_\_\_\_\_ Defendants, \_\_\_\_\_ and \_\_\_\_\_, filed an Expedited Motion to  
\_\_\_\_\_, Return Remaining Funds back to the \_\_\_\_\_ and  
(\_\_\_\_\_), and to Quash the \_\_\_\_\_ and a Motion to \_\_\_\_\_. Defendants had not yet  
received a copy of the \_\_\_\_\_ Order when they filed their Motion. (see attached)  
Defendants' Motion requested that the final payment of \_\_\_\_\_ be paid to \_\_\_\_\_ from  
the funds held by \_\_\_\_\_. This payment would be for Full Satisfaction and Release under Case  
\_\_\_\_\_. Defendants would then no longer be Debtors to \_\_\_\_\_. Defendants' Motion requested that  
the \_\_\_\_\_ be Quashed and that the remaining funds totaling \_\_\_\_\_ be returned to the \_\_\_\_\_ Defendants'  
Motion requested that Case \_\_\_\_\_ then be dismissed.  
At \_\_\_\_\_ on \_\_\_\_\_, Defendants received a copy of the \_\_\_\_\_ Order.  
Defendants have made prior payments to \_\_\_\_\_ in the amount of \_\_\_\_\_ and they  
wished to make the final payment to \_\_\_\_\_ as expeditiously as possible and to resolve these

cases without unnecessary costs or delay. The delay of this matter has created financial burdens to both \_\_\_\_\_ and to the Debtors. \_\_\_\_\_ attorney has not filed any Motion with the Court refusing to accept this final payment and to release us as Debtors. No other attorney has filed any Objection to our Motion.

Defendants \_\_\_\_\_ have already been saddled with additional attorney fees in the amount of \$ \_\_\_\_\_ for Defendant/ \_\_\_\_\_ which should not have been granted against the \_\_\_\_\_ under \_\_\_\_\_ by Judge \_\_\_\_\_ who violated the spirit of the law when he violated the automatic STAY under § 362 of the Bankruptcy Code, 11, U.S.C. 362. \* NOTE: We filed a CJC complaint against Judge \_\_\_\_\_ on \_\_\_\_\_.

We requested this Motion as an \_\_\_\_\_ We included a Proposed Order that could have been signed by Judge \_\_\_\_\_ without the need for a Hearing. Judge \_\_\_\_\_ did not act in an expeditious manner in determining matters under submission and he did not take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end. In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved **without unnecessary cost or delay**. This delay is creating additional costs for all parties.

Article 2, § 11 of the Arizona Constitution requires that “Justice in all cases shall be administered openly, and without unnecessary delay.” Article 6, Section 21 provides that “Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the submission thereof.” Judge \_\_\_\_\_ **violated RJC 2.5 Competence, Diligence, and Cooperation.**

There have been several cross filings of Motions between Case \_\_\_\_\_ and \_\_\_\_\_ (Judge \_\_\_\_\_) and Case \_\_\_\_\_ and \_\_\_\_\_ (Judge \_\_\_\_\_) for Collection against \_\_\_\_\_. Judge \_\_\_\_\_ is aware of our allegation of misconduct by Judge \_\_\_\_\_ in which we alleged that Judge \_\_\_\_\_ violated the spirit of the law when he violated the automatic STAY under § 362 of the Bankruptcy Code, 11, U.S.C. 362 by granting a Judgment of \_\_\_\_\_ against Defendants/ \_\_\_\_\_ for additional attorneys' fees earned by Plaintiff's counsel for work performed under collection efforts against \_\_\_\_\_. ONLY. \_\_\_\_\_ is in Case \_\_\_\_\_. To the best of my knowledge, Judge \_\_\_\_\_ has not informed the appropriate authority of Judge \_\_\_\_\_ violation of this code nor has Judge \_\_\_\_\_ upon receipt of information

indication a substantial likelihood that another judge has committed a violation of this code taken any appropriate action. **Judge**                      **violated RJC 2.15 Responding to Judicial Misconduct.**

Documentation:

	Motion to		for		of		of
	Order Setting Hearing for		at				
	Expedited Motion to			, Quash		, Return	
back to	, and to Dismiss Case						
Case	Expedited Motion to			of		and	in

Please let me know if there are any other documents I can provide.

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

Case No.

Plaintiff,  
v.

Defendants,

and

Intervenor.

Pursuant to Rule 5.3(c)(4)(B), , the undersigned counsel,  
( ), and her firm, (together, ),  
respectfully request that they be permitted to withdraw as attorneys of record in this matter  
for and , husband and wife; an Arizona  
company; , an Arizona company; and  
an Arizona company (collectively “**Defendants**”).

Further, Movants request the Court to issue an order directing the disposition of certain  
funds currently held in account. hereby certifies as follows:

**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.**