

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-336

Judge:

Complainant:

ORDER

October 20, 2022

The Complainant alleged a superior court judge failed to rule on an application for entry of default in a civil lawsuit.

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).

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.

COMP

2022-336

ARIZONA COMMISSION ON JUDICIAL CONDUCT
1501 WEST WASHINGTON, SUITE 229
PHOENIX, ARIZONA 85007

RE

REQUEST FOR HELP

DEAR JUDICIAL CONDUCT PEOPLE:

I WROTE TO YOU LAST MONTH
(ALSO ATTACHED), ASKING ME THE NAME OF THE JUDGE.

AND YOU WROTE BACK

THE CASE IS ASSIGNED TO

COUNTY

COURT JUDGE

THANK YOU. I HOPE YOU WILL PROVIDE ME WITH AN ANSWER TO THE ENCLOSED
LETTER SOON.

Sincerely,

ENC.

2022-336

ARIZONA COMMISSION ON JUDICIAL CONDUCT
1501 WEST WASHINGTON, SUITE NO. 229
PHOENIX, ARIZONA 85007

RE: REQUEST FOR HELP

DEAR JUDICIAL CONDUCT PEOPLE:

I WRITE TO YOU WITH A REQUEST FOR YOUR HELP. I GAVE AN UNSCRUPULOUS ATTORNEY IN _____ COUNTY _____ COURT, AND THE COURT APPEARS TO HAVE TAKEN THE SIDE OF THE ATTORNEY. SPECIFICALLY, I FILED AN APPLICATION FOR DEFAULT JUDGMENT MORE THAN _____ YEARS AGO (COPY ATTACHED), BUT THE COURT WILL NOT RULE ON IT. I HAVE SENT MANY FOLLOW UPS IN THE INTERVENING YEARS, ALL TO NO AVAIL.

CAN YOU LOOK INTO THIS MATTER, AND HOPEFULLY GET ME AN ANSWER? I DON'T KNOW WHERE ELSE TO TURN. PLEASE LET ME HEAR FROM YOU SOON.

SINCERELY,

ENCL.

~~Person Filing~~

Address (If not protected)

City, State, Zip Code:

Telephone:

Email Address:

ATLAS Number:

Lawyer's Bar Number:

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(Name of Petitioner) _____ Case No. _____

APPLICATION AND AFFIDAVIT FOR DEFAULT IN COURT CASES

NOTICE: THIS IS AN IMPORTANT COURT DOCUMENT. When this document is properly completed and filed, Default has been applied for and entered. The Default will be effective ten (10) Court business days after the filing of this completed document, unless the Respondent files an Answer/Response or otherwise defends before the ten Court business day period expires.

1. I am the Petitioner in this court case. I understand and make the following statements under oath or by affirmation. I give notice that I am requesting entry of default against the other party, the Respondent, because the Respondent has not filed an Answer/Response.
2. Service of the court papers on Respondent has been accomplished as follows: (check **ONLY** one box)

☐ The Respondent has signed an **"Acceptance of Service"** and has accepted service of the **"Summons,"** Complaint or Petition and other papers. The Respondent has not filed an **"Answer/Response"**, or otherwise appeared or defended in this court case. Default may be entered.

OR

☒ I have served the Respondent according to law with the **"Summons,"** Complaint or Petition and other papers. Respondent has not appeared, answered, responded or otherwise defended in the time required by law.
3. The Respondent is either **not** in the active military service of the United States or has otherwise waived his/her rights under the Service Members Civil Relief Act (formerly "Soldiers and Sailor's Civil Relief Act").
4. By completing the Certificate of Mailing (on the next page), I certify to the Court that on the date of filing this document I will mail a copy of this **Application and Affidavit** to the Respondent at his or her current or last known address *even if that is my own address* and/or I have served the other party by publication, and if applicable, to his or her attorney as notice that I have applied for default.

Case No. _____

5. I UNDERSTAND THAT I WILL NOT QUALIFY FOR DEFAULT if:

I fail to mail this document, and/or

I fail to complete the Certificate of Mailing below.

CERTIFICATE OF MAILING

As required by Arizona Rules of Court (A.R.C.P. 55(a) and A.R.F.L.P. 44(A)).

A copy of this *Application and Affidavit for Default* will be mailed on the day of filing, postage-prepaid, to the Respondent* at his/her ☐ **current** address, OR ☒ **last known** address (if current address is unknown) of:

(street and number, including the apartment number, city and state, and zip code) _____

* Mailing to current or last known address must be done even if last known address is *your* address and/or you *know* the Respondent is no longer at the last known address.

☐ (If applicable)
I believe the Respondent whom I believe to be in default is represented by an attorney and have *also* mailed a copy of this *Application and Affidavit for Default* to that attorney.

DECLARATION UNDER PENALTY OF PERJURY

I state to the court under penalty of perjury that the contents of this document are true and correct.

Date this document was filed _____

Signature _____

Printed Name _____

WARNING

1. If the Respondent fails to file a responsive pleading or otherwise defend this action within 10 working days after the filing of this Application, A DEFAULT JUDGMENT MAY BE ENTERED.
2. The Petitioner must still attend the default hearing at the court UNLESS you qualify, apply for and complete the process to obtain a default decree without a hearing pursuant to A.R.F.L.P. 44(B)(1).
3. A DEFAULT HEARING WILL NOT BE SCHEDULED IF THIS APPLICATION AND AFFIDAVIT FOR DEFAULT IS MISSING INFORMATION OR NOT COMPLETED CORRECTLY.