

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 23-021

---

Judge:

Complainant:

---

**ORDER**

July 21, 2023

The complainant alleged improper legal rulings by a senior commissioner hearing 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 member Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 21, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2023-021**

**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.

1. Judge \_\_\_\_\_ was biased because he did not  
~~not~~ realize the mail fraud by attorneys and

2. Judge \_\_\_\_\_ did not consider the timely a  
summons and complaint due to the court's unwillingness  
to take all customers before, p.m. all other cases ~~was~~  
were to be placed in the Lock Box after stamping (time)

3. The Bar did not agree with the Absolute privilege  
because Atty \_\_\_\_\_ ~~stated~~ stated orally and wrote  
the ~~stated~~ extortion of employers as if this is a pass  
time of hers.



OF ARIZONA  
COUNTY

HONORABLE

CLERK OF THE COURT

Deputy

v.

COMM

**RULING ON MOTION FOR RECONSIDERATION AND MOTION FOR SANCTIONS**

The Court reviewed plaintiff motion for reconsideration and defendant motion for sanctions. The Court finds that the briefing submitted on these issues is sufficient and that oral argument would not add to the Court's consideration of the issues presented. Accordingly, oral argument is waived pursuant to Ariz. R. Civ. P. 7.1(d) to expedite the business of the Court.

**I. MOTION FOR RECONSIDERATION**

On , Judge granted defendant's Motion to Dismiss. Plaintiff moves for reconsideration of that order.

The Court reviewed the Motion for Reconsideration. Because Judge did not review plaintiff's belated opposition to the Motion to Dismiss filed on , the Court also reviewed the Complaint, the original Motion to Dismiss and plaintiff's opposition filed on

The motion for reconsideration is denied. Plaintiff sues for claims of "slander per se" and "libel per se." As noted by defendant, statements made at a judicial proceeding are absolutely privileged. *Green Acres Trust v. London*, 141 Ariz. 609, 612 (1984). Issues concerning service

SUPERIOR COURT OF ARIZONA  
COUNTY

are not relevant to the motion to dismiss. Moreover, defendant filed a motion to dismiss which mooted any service irregularities.

**IT IS ORDERED** that the motion for reconsideration is denied. The Court also denies plaintiff's request for sanctions set forth in the motion.

**II. MOTION FOR SANCTIONS**

The Court reviewed the Motion for Sanctions, the Response and Reply. Defendant moves for sanctions under Rule 11 and A.R.S. § 12-349. In considering sanctions, this Court is mindful that "[c]ourts should not impose sanctions lightly." *Estate of Craig v. Hansgen*, 174 Ariz. 228, 239 (App. 1992).

Plaintiff's pro per complaint quickly was resolved on a motion to dismiss. Although flatly wrong, plaintiff's position was not so unjustified or abusive as to warrant an award of attorneys' fees or sanctions.

**IT IS ORDERED** that defendant's Motion for Sanctions is denied.

However, defendant is the successful party so he is entitled to his costs under A.R.S. § 12-341.

**IT IS FURTHER ORDERED** that defendant may submit his costs application within ten days from the filed date of this order. The failure to file a costs application will result in waiver of the claim.

**VIA E-MAIL AND U.S. MAIL**

Re:

Our Client:  
Case No.:

---

Dear

We received via U.S. Mail from \_\_\_\_\_ a copy of the Civil Complaint you filed in \_\_\_\_\_ Court, \_\_\_\_\_, wherein you allege theories of slander and libel *per se* against our client, \_\_\_\_\_.

As a preliminary matter, while the contents of what you included in the mail failed to comport with Ariz. R. Civ. P. 4.1(c)(1), nor were they properly served pursuant Ariz. R. Civ. P. 4(b) or 4.1(d), we nevertheless received a copy of the pleading papers and recognize that we have a corresponding duty to avoid unnecessary expense in serving the Summons. In an effort to avoid such costs, this letter shall serve as our waiver of service. Accordingly, per Ariz. R. Civ. P. 4.1(c)(3), we need not serve an Answer or otherwise respond to your Complaint until \_\_\_\_\_ days from when the papers were sent (i.e., \_\_\_\_\_, per the envelope postmark). Thus, we will file our responsive pleading on or before \_\_\_\_\_.

With that said, this letter shall primarily serve as our notice of intent to seek sanctions against you pursuant to Ariz. R. Civ. P. 11 and A.R.S. § 12-349 in the event you do not voluntarily withdraw your Complaint by \_\_\_\_\_. By signing a pleading, a party – like yourself – certifies under Rule 11 that to the best of her knowledge, information, and belief, formed after reasonable inquiry:

- (1) that it is not being presented for any improper purpose, such as to harass;
- (2) the claims and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

In fact, your signature on the pleadings constitutes a certification that your Complaint "is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and that it is not interposed for any improper purpose . . ." See *Villa De Jardines Ass'n v. Flagstar Bank*, FSB, 227 Ariz. 91 (Ct. App. Div. 2 2011). Before signing the Complaint, you were further obligated to make reasonable efforts to assure that the matters asserted were not illusory, frivolous, unnecessary, or insubstantial. *James, Cooke, & Hobson, Inc. v. Lake Havasu Plumbing & Fire protection*, 177 Ariz. 316 (Ct. App. Div. 1 1993). Based upon the content of your Complaint and exhibits attached thereto, it is evident that you either failed to make the requisite reasonable efforts required by rule to ensure a colorable claim existed before affixing your signature, or you performed the mandatory reasonable inquiry and filed the Complaint with the intent to harass my client.

Unrepresented litigants in Arizona are held to the same standards as attorneys. *Smith v. Rabb*, 95 Ariz. 49, 53 (1963). In other words, *pro se* litigants – like yourself – are entitled to no more consideration than if you had been represented by competent counsel. *Ackerman v. Southern Arizona Bank & Trust Co.*, 39 Ariz. 484 (1932). Therefore, in applying Arizona law, you knew or should have been known of Arizona's absolute privilege regarding alleged defamatory statements made by licensed attorneys in judicial proceedings and communications to the Arizona (hereinafter, the " ").

In Paragraphs five through eight of your Complaint, you contend that defamed you by characterizing you as a " " who " " You allege he uttered these statements during a formal hearing before Judge and in a Motion to Dismiss filed by in the County (

**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.**