

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-159

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Judge:

Complainant:

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**ORDER**

November 9, 2023

The Complainant alleged a superior court judge was biased against her and failed to timely rule 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 member Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 9, 2023.

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

**2023 - 159**

**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.

Abuse of Discretion and Violation of Arizona Constitution. In \_\_\_\_\_ the movant in the Complaint (Plaintiff Pro Per \_\_\_\_\_) sought Injunctive Relief from advertising signs that posed a risk of harm to persons and property due to sheet metal signs and structures that were dilapidated and violated servitude 12 of the Declaration of CC&Rs. Defendant \_\_\_\_\_ also built homes in violation of the CC&R setbacks and Plaintiff \_\_\_\_\_ sought Injunctive Relief for preliminary and permanent Injunction from all violations. The original Judge \_\_\_\_\_ in \_\_\_\_\_ was removed due to his business ties to defense Counsel \_\_\_\_\_ The case was transferred to the Hon. Judge \_\_\_\_\_ in \_\_\_\_\_ Defendants \_\_\_\_\_ and \_\_\_\_\_ (hereinafter "\_\_\_\_\_") - as \_\_\_\_\_ of the Arizona business entity - failed multiple attempts to have the case dismissed. In \_\_\_\_\_ Hon. Judge \_\_\_\_\_ ruled that \_\_\_\_\_ had standing to prosecute violations in the \_\_\_\_\_ area of the \_\_\_\_\_ acre golf course and estates subdivision comprised of about \_\_\_\_\_ acres. He said he could have ruled on the signs if he had a photograph. Hon. Judge \_\_\_\_\_ was transferred to criminal court and the case was assigned to the Hon. Judge \_\_\_\_\_ in \_\_\_\_\_ Additional reorganization occurred and the case and Hon. Judge \_\_\_\_\_ were transferred to \_\_\_\_\_ The Hon. Judge \_\_\_\_\_ reassigned the case to himself.

Having failed dismissal attempts, Plaintiff \_\_\_\_\_ (\_\_\_\_\_ ) filed a Motion for Summary Judgment claiming abandonment of the CC&Rs or abandonment of the non-waiver clause in the Declaration of CC&Rs.

\_\_\_\_\_ filed a Motion to dismiss the MSJ because \_\_\_\_\_ did not follow Rule 19 for joining parties. The Hon. Judge \_\_\_\_\_ ruled that he did not think Rule 19 applied to the matter. The MSJ still did not dismiss the case. \_\_\_\_\_ had attempted to claim Statute 33-441 protected his "build to suit" signs as "for sale" signs. The Arizona \_\_\_\_\_ investigated the signs and determined they were the developer's signs and were not for sale nor for lease signs. The Hon. Judge \_\_\_\_\_ has denied every attempt for Reconsideration of a ruling on Injunctive Relief and has stalled this case. Judge \_\_\_\_\_ failure to rule on Injunctive Relief was contempt for public safety and supported unfair competition where no other custom home developer violates the CC&Rs on signage and no other developer violates the County Ordinance on off-premises business advertising that is not allowed on residential lots.

Plaintiff hired Attorney \_\_\_\_\_ as she prepared for Trial and \_\_\_\_\_ determined that Statute 33-441 was Fraud Upon the Court and the Plaintiff. \_\_\_\_\_ determined that as a CC&R matter, Rule 19 did apply and that \_\_\_\_\_ needed to join Indispensable Parties. Judge \_\_\_\_\_ ruled that the Plaintiff who filed the Complaint must serve the parties and not the Plaintiff who filed the motion for abandonment. This is an abuse of discretion where Rule 19 and case law is clear that the party who seeks abandonment must serve the other parties. The Rule 54 (b) Order did not dismiss one party or claim, therefore Atty. \_\_\_\_\_ Appeal was denied. Other matters of concern caused the Plaintiff to request Withdrawal of Attorney \_\_\_\_\_

Judge \_\_\_\_\_ has taken over 60 days to rule on Plaintiff's motions which is a violation of the Arizona Constitution and caused a Statute of Limitation to expire on Affidavit Fraud filed with the MSJ. County Attorney \_\_\_\_\_ would not investigate and sent \_\_\_\_\_ to law enforcement who determined the Fraud was a civil matter. Dilatory practices by the Court favors the Defendants

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**



**COMPLAINT AGAINST A JUDGE**

Name:  Judge's Name:

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filed an Affidavit of Court Bias. The case was temporarily transferred to the Hon. Judge by Hon. Judge for reassignment of the case to a different judge. The Statute did not include instructions to follow the Rule on stating reasons separately and it took some time for to attempt to follow rules. filed a Motion for Reconsideration by Judge who determined the Motion still was not in compliance and filed a "FIRST CORRECTED MOTION FOR RECONSIDERATION OF DENIAL OF PLAINTIFF'S AFFIDAVIT OF A CLAIM OF COURT BIAS WITH RULE 42.2 REASONS SUBMITTED HEREIN" for Hon. Judge - Temporary Assignment. The required Memorandum of Points and Authorities included a Statement of Facts (A - H), Arguments for A - H, and Relevant Rules, Case Law and Other Authorities for A - H). In CONCLUSION, pleaded as follows: "

" dated

Or , today, the Hon. Judge Ordered denial of Plaintiff's First Corrected Motion that was supposed to be the role of the Hon. Judge The Order is attached as Exhibit B.

believes Judge should not be ruling on claims of bias against him and that the evidence is clear that his bias is affecting decisions that make him appear unqualified to serve justice.

Respectfully Submitted,

CC by email:  
 Defense Counsel  
 , Judicial Assistant to the Hon. Judge  
 , Judicial Assistant to the Hon. Judge who assigned the role to Judge  
 Judicial Assistant to the Hon. Judge  
 Plaintiff's Witness - Former Attorney

Mailed to:

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

FILED IN THE COURT OF THE STATE OF ARIZONA  
COUNTY OF MARICOPA

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Plaintiff Pro Per

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

Plaintiff,

v.

and

Trustees of \_\_\_\_\_

and

JOHN DOES 1-10; JANE DOES 1-10; ABC  
CORPORATIONS 1-10; and XYZ  
PARTNERSHIPS 1-10.

Defendants.

Case No.:

**FIRST CORRECTED MOTION FOR  
RECONSIDERATION OF DENIAL OF  
PLAINTIFF'S AFFIDAVIT OF A  
CLAIM OF COURT BIAS  
WITH RULE 42.2 REASONS  
SUBMITTED HEREIN**

**Hon. Judge  
Temporary Assignment**

COMES NOW Plaintiff Pro Per, ("Plaintiff"), pursuant to Rule 42.2, for Claims of Bias that became seriously prejudicial when her Statute §12-409 Affidavit was filed on \_\_\_\_\_ but was denied on \_\_\_\_\_ and again on \_\_\_\_\_ or about \_\_\_\_\_ for still not being compliant. Plaintiff is not finding examples of a Rule 42.2 format to follow and the Court is not informing the Plaintiff on what is not compliant. Due to urgency, Plaintiff is offering this First Correction that may be closer to compliance with Rules. Reconsideration and Correction is appropriate pursuant to

1 *Haines v. Kerner*, 404 U.S. 519-20, (1972), “A pro se litigant should be given a  
2 reasonable opportunity to remedy defects in his pleadings if the factual allegations  
3 are close to stating a claim for relief.”  
4

5 There exists a peremptory challenge under A.R.S. §12-409 that the Plaintiff bring  
6 allegations of bias to the forefront before a lower Court enters a final judgment.  
7

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I. STATEMENT OF FACTS**

10 **A. Rule 19 (a): Abuse of discretion.**

11  
12 1. The Court Denied Plaintiff’s Motion for Dismissal of the  
13 Defendants’ MSJ for Failure to Join Indispensable Parties.

14 **See Exhibit 1** pertinent part – TR \_\_\_\_\_, underscores for emphasis.

15  
16 2. The Court ordered Plaintiff \_\_\_\_\_ to serve Indispensable Parties  
17 pursuant to Rule 19 (a) as opposed to the movant in a Motion for Summary  
18 Judgment (“MSJ”) who is the Plaintiff in that MSJ who must join parties.

19  
20 a. An Appeal was filed by Attorney \_\_\_\_\_ however as a  
21 Rule 54 (b) Final Judgement it was denied as unappealable  
22 since no party or action was dismissed.  
23

24 3. Plaintiff has not been provided with any legal reasons for the Court’s  
25 discretionary opinion.

26  
27 4 Rule 19 (a) should not allow a court to abuse his discretion and  
28 thereby allow a court to not follow law or precedents or the definition of a

1 movant in a Summary Judgment action.

2 **B. Injunctive Relief:**

3  
4 1. Partial Summary Judgment for Injunctive Relief was  
5 denied and left the public at risk of the hazard to persons and property from  
6 debilitation of sheet metal signs and structures.

7  
8 2. Motion for Injunctive Relief on \_\_\_\_\_ denied.

9 **C. Attorney Fees for Filing Motions**

10 1. The Court instructed Defendant's Counsel \_\_\_\_\_ to submit an  
11 Affidavit of Costs for every Motion Plaintiff has filed since  
12 \_\_\_\_\_  
13 when she asked Attorney \_\_\_\_\_ to Withdraw.

14 **D. Imposed a Gag Order on the Plaintiff.**

15 1. There was nothing wrong in serving Plaintiff's duty as President of  
16 the Unincorporated Association in offering information for free as a  
17 volunteer to those who may be in need.

18  
19 2. The Unincorporated Association has no Resolution for  
20 enforcement. **Exhibit 2 – 3 pages**

21 3. Bias favors these defendants and willfully violates Plaintiff's Free  
22 Speech rights.

23  
24 4. The Gag Order is an abuse of this Judge's power because he claims  
25 he feels she did something wrong.

26  
27 **E. Rule 12 for stating a claim of "complete abandonment" is Denied.**

28 **F. Untimely Decisions on Plaintiff's Motions.**

**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.**