

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-268

Judge:

Complainant:

ORDER

November 9, 2023

The Complainant alleged a superior court commissioner would not let him stay an eviction proceeding while an ownership case was proceeding.

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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-268

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.

The first court date was scheduled _____ I was not served, however, I presented myself at court and at that initial date notified the commissioner that I was not served prior to the court date and needed more time to retain an attorney. During the proceeding, the commissioner said that everything needed to be complete within _____ days. When I asked for clarification, he stated that's the rule and didn't explain days from when or why it is a rule. The following day, _____ I submitted exhibits and my answer to the complaint. The next court date was scheduled for _____ but I was not given notice that it was changed. When I called in for court, I found out it was rescheduled for _____. I attempted to connect with several attorneys but was not able to secure any attorney within the _____ business days given until the next hearing.

I attended the court proceeding on _____ at _____. The commissioner asked if I had submitted my answer, I replied that I had. However, the plaintiff's attorney stated they had not reviewed my answer or the information I submitted. I respectfully requested a stay or dismissal because the plaintiff had not reviewed my court filed submitted answer, and due to another relevant pending matter, Case Number _____. The matter is related to the ownership of the property. The commissioner stated that the matter of the proceeding was related to possession and not ownership, thus the matter could not be heard in that proceeding. I stated that was not my intent but it is relevant to establish ownership and he stated that the proceeding would continue.

During the proceeding only the plaintiff's information was reviewed and my exhibits and answer were not referenced nor reviewed during the proceeding which is a violation of my right to due process. During the time when I was allowed to ask questions of a witness, he did not allow some of my questions to be asked though relevant to the matter at hand. At the end, I again requested that the commissioner consider a stay pending the outcome of _____. He refused the request and stated that ownership was determined by the evidence presented and ruled in favor of the plaintiff. At the beginning the commissioner stated the matter at hand was possession and ownership would not be considered, however, he ruled on ownership without reviewing my exhibits nor answer.

The commissioner did not allow my evidence to be presented, did not allow the plaintiff's attorney to review my answer or exhibits and ruled on ownership though he stated at the beginning of the proceeding that was not the matter at hand. It is evident that there was no intention for a fair hearing nor due process. Additionally, the commissioner seemingly decided in the course of the proceeding that he would make a ruling without reviewing all of the evidence. From the start of the proceedings, this commissioner did not explain my rights, did not allow for due process, did not review my exhibits nor answer, and willfully ignored my testimony. I researched some previous reviews submitted to _____ Courts and this commissioner seems to have a history of inequity and prejudice. I respectfully request that the commission investigates this commissioner and his proceedings for this case.

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COMPLAINT AGAINST A JUDGE

Name: Judge's Name:

Commissioner

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