

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-342

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Judge:

Complainant:

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**ORDER**

February 20, 2024

The Complainant alleged a municipal court judge was not qualified to decide cases.

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 member Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 20, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**COMPLAINT AGAINST A JUDGE**

Name: by agent: 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.

This formal complaint against Judge \_\_\_\_\_ of the \_\_\_\_\_ Justice Court In Arizona is to notify the Arizona Commission On Judicial Conduct of the Misconduct and Canon Law violated by \_\_\_\_\_ violated Canon (1) of the judicial code of conduct when they not only performed or presented themselves as a Judge, but also making rulings as a pro temp Judge with no current and valid Oath Of Office documentation on file as the only Oath Of Office recorded and available was effective or \_\_\_\_\_ and expired on \_\_\_\_\_.

Let the Arizona Commission on Judicial Conduct be reminded that The oath of office is a promise that the judge will uphold the law and faithfully discharge the duties of their office. When a judge makes rulings without an oath of office, they are essentially breaking their promise to the public. May the Arizona Commission on Judicial Conduct also be reminded that the consequences are very severe and detrimental for Judges who make rulings on cases without an Oath of Office on file which has been recorded, up to date or current. A judge may not only be censured, suspended by the Commission board or permantly be removed as a Judge while losing their ability to ever serve again, but the Judge responsible for committing such a haneous act of crime is to pay restitution to the person affected by the ruling, barred from practicing law, or be required to complete ethics training or other remedial measures.

It would seem as if these government officials who are put in place to perform a duty often forget the oath they sworn to uphold the constitution as well as their duty to the people as public servants while becoming erosive and drunken with authority by abusing their power and lacking accountability in not holding themselves responsible, nor being held responsible by their colleagues, board of commissions or the governor who is not only responsible for swearing them in but also liable for their actions.

I would like for he Arizona Commission on Judicial Conduct to investigate this matter by further looking into the fact that \_\_\_\_\_ does not have a current oath of office on file or record and provide an explanation as to why a Judge without an oath on record is not only allowed to walk on the courthouse steps and preside as a Judge while ruling on cases but for the commission to also investigate every case \_\_\_\_\_ has ever ruled on since the expiration of their commission dating back to \_\_\_\_\_.

This matter will be forwarded to the governor as they're also being put on notice and will involve the office of the inspector general should it be required as the state of Arizona does not seem to be properly regulated while Judges are making rulings without their oath of office on file or on record and police officers are working without properly being insured by way of surety bonds.

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**THE**

**JUSTICE COURT**

Petitioner,

**V.**

**COMPLAINT No.**

In his capacity as Judge

Respondent.

\_\_\_\_\_ /

**PETITION FOR WRIT OF QUO WARRANTO**

Petitioners, \_\_\_\_\_, the executor and assigned agent of the estate hereby respectfully petitions this Court for a Writ of Quo Warranto directed to respondent \_\_\_\_\_ in their capacity as Pro Temp Judge of the \_\_\_\_\_ Justice Court by challenging their validity as a pro temp Judge and a public servant to provide an updated version of their official Oath of Office documents.

## **BASIS FOR COMPLAINT**

This Writ of Quo Warranto petition is filed challenging the validity on the ruling made by pro temp Judge \_\_\_\_\_ regarding complaint No. \_\_\_\_\_. \_\_\_\_\_ not only did they make their ruling after a mediation hearing was scheduled between both parties being the plaintiff and the defendant to possibly resolve the matter, however the timing of their ruling while interfering with judicial process by reversing a decision made by the judge who was initially presiding over the matter would seem as if pro temp Judge \_\_\_\_\_ was bias while ruling in the favor of the defendant. While the case was dismissed from the \_\_\_\_\_ Justice Court without prejudice, the judge did not have any cause to dismiss the case prior to the mediation hearing as the filing party was denied due process to present their case along with the facts.

The plaintiff and filing party were not only denied due process to move forward in a matter which was already pre-set for mediation, however they were not given notice of cancellation of the mediation as the case was entirely dismissed. Under the laws of “procedural due process”, an individuals’ rights are as follow:

1. An Unbiased Tribunal
2. Notice of the proposed action and the grounds asserted for it.
3. Opportunity to present reasons why the proposed action should not be taken.
4. The right to present evidence, including the right to call witnesses.
5. The right to know opposing evidence.
6. The right to cross-examine adverse witnesses.
7. A decision based exclusively on the evidence presented.
8. Opportunity to be represented by counsel.
9. Requirement that the tribunal prepare a record of the evidence presented.
10. Requirement that the tribunal prepare written findings of fact and reasons for its decision.

In addition, not only was due process denied to the filing party, yet pro temp Judge \_\_\_\_\_ did not possess the ability, nor were they in an authoritative capacity to make a ruling as they did not have a valid, or current Oath of Office on file, or on the record with the recorders court at the time of their ruling as their last commission expired on \_\_\_\_\_.

## **FACTS OF PETITION**

Article 6, Section 6 of the Constitution states that, each justice, judge, and justice of the peace shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Arizona, and that he will faithfully and impartially discharge the duties of his office to the best of his ability.

The oath of all judges of courts inferior to the superior court and the oath of justices of the peace shall be filed in the office of the county recorder, and the oath of all other justices and judges shall be filed in the office of the secretary of state.

Article VI, Clause 3 of the constitution also states that The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

The States Judicial Code on Conduct along with its laws also hold judges accountable as the oath of office is a promise that the judge will uphold the law and faithfully discharge the duties of their office. By making rulings without an oath of office, the judge is essentially breaking their promise to the public. Not only is it a violation for a judge to make rulings without an oath of office, but should a judge proceed in making a ruling or rulings without an oath of office, they're subject to disciplinary actions by the States Judicial Conduct Commission. Those disciplinary action include however are not limited to, censuring the judge, suspending the judge from office, or permanently removing the judge from office.

## **RELIEF, REMEDY & INDEMNITY**

In conclusion, all parties and government agencies in reception of this filed Writ Of Quo Warranto petition including the respondent are hereby being requested to provide the petitioner(s), its Estate and administrative agent with official copies of valid, up to date and current Oath of Office for pro temp Judge of the Justice Court in order to solidify and validate their ruling on complaint within days from the reception of this filed complaint. Should respondent and involved parties including but not limited to the governor of Arizona, The Arizona Commission on Judicial Conduct along with any additional agencies fail to provide the requested and official documents, the sought for relief, remedy and indemnification for the petitioning party are as follow: The ruling made on the complaint by pro temp judge shall be thoroughly investigated by the Arizona Commission on Judicial Conduct due to a bias ruling and tempering of judicial process while making a ruling and sitting a bench without an Oath of Office. Petitioner and their Estate are subject to receiving financial relief and indemnification by way of settlement or a filed claim as the judge is subject to being personally held liable for all monetary damages caused to the filing party and their estate due to the negligence of the State of Arizona and all involved parties in accordance with the petitioners' private administrative process and procedures in accordance with their fee schedule.

**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.**