

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-030

Complainant: No. 1366610313A

Judge: No. 1366610313B

ORDER

The complainant alleged that a clerk of the court failed to communicate or follow the judge's orders in her case.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The judge does not have administrative authority over the clerk of the court. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: March 14, 2012.

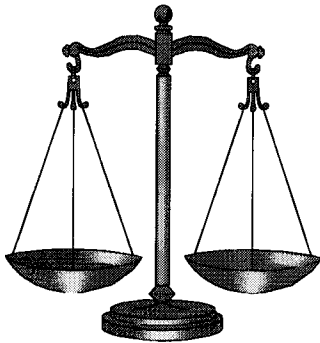
FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on March 14, 2012.

This order may not be used as a basis for disqualification of a judge.



Tucson, Arizona 85716-1520

CONVENIENT - NEAR FT. LOWELL RD. & TUCSON BLVD.

JAN 31 2012

Attorney & Counselor at Law

January 31, 2012

Arizona Commission on Judicial Conduct
Ste. 229, 1501 W. Washington St.
Phoenix AZ 85007
(602) 452-3200
cjc @ courts.az.gov

BY POST

Gentlemen;

I am writing, as an attorney, to express concern about my failure to receive communications from the Santa Cruz County Superior Court in Nogales, AZ; specifically, from Juan Pablo Guzman, the Clerk of Court; and from Judge _____ who presides over Division 2 of that Court. The problems I have experienced are as follows. I would appreciate any assistance that the Commission can render.

1) On December 21, 2011, Judge _____ signed a form of Order directing the Clerk of Court, Mr. Guzman, to exonerate a Bond for Costs on Appeal. I then sent a copy to Mr. Guzman by certified mail and have the return receipt indicating that my mailing was received at his office on December 27, 2011. Notwithstanding, Mr. Guzman has not returned any proceeds of the bond to me. I am owed \$426.00. I am attaching a copy of the Order, of my letter to Mr. Guzman, and of the return receipt which came back from the Post Office as proof of delivery. Can the Commission assist me in obtaining the funds that are due me?

2) I have repeatedly written to Mr. Guzman regarding the enclosed letter dated September 27, 2011. I have never received back conformed copies of the pleadings referenced in the letter. When I mailed the pleadings to the court for filing, I enclosed copies for conforming and these were accompanied by a self-addressed, stamped envelope. The judge has long since ruled on all the said pleadings. I would still like to have conformed copies to complete my file on the case. Mr. Guzman has not responded to any of several subsequent letters I have sent him on this subject. Can the Commission assist me in obtaining the conformed pleadings?

3) I sent Judge the enclosed December 9, 2011, letter asking for a signed copy of a Judgment for Enforcement of Supersedeas Bond. As noted in the letter, I was informed that she signed the Judgment on November 18, 2011. The Judgment has subsequently been used by the opposing party to enforce payment of the Bond. I have not received a signed copy of the Judgment and Judge has not responded to my enclosed letter requesting same.

I will be indebted for any assistance the Commission can render to me.

Sincerely,