

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-237

Judge:

Complainant:

ORDER

November 25, 2020

The Complainant alleged a municipal court judge entered contradictory orders without explanation.

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 Gus Aragón did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 25, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-237

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.

Attachments: Complaint against the Court, case [redacted] Complaint against the Court, case [redacted]
Receipt.pdf; Certified receipt.pdf; Complaint Form.pdf pdf; Delivered.pdf; PO

From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Cc: [redacted]
Subject: Complaint against Judge [redacted]

Dear Commission on Judicial Conduct:

Below, and attached is the Email I submitted to the [redacted] of the [redacted] Court on [redacted] hoping to get answers to Judge [redacted] actions.

Also attached are the relevant Exhibits, and all the Exhibits in case you need to reference them.

The case is over, and I understand 100% that the Judge's ruling can't be changed. I'm not requesting that, I'm simply asking that you review my Email below, and provide answers or explanations to my questions, or that the Judge or Court does.

Thank you,

My [redacted] DOP case ended yesterday , but based on the Subpoena hearing last Friday ([redacted] at [redacted] with Judge [redacted] I wanted to get a response from you before submitting a Complaint to the Commission On Judicial Conduct, or taking further action.

Please review the attached Email I sent to the Court on [redacted] and the Court's response on [redacted] For clarification [redacted] was the Petitioner/Plaintiff, [redacted] is her Attorney, and I am [redacted] , the Defendant, and not represented by an Attorney.

On [redacted] he Plaintiffs Attorney ([redacted] submitted to the Court that he Emailed me. My Email address was, [redacted] and still is,

Original of the subpoena delivered
this _____ to _____
Hon. _____
VIA EMAIL
By: _____

I never received the Email, and requested multiple times for _____ to resend it to me, but he never did. So, on _____ I spoke with _____ who said she would discuss with Judge _____ if I could submit a Motion or Subpoena for _____ to provide me with the one specific Email he claims to have sent me on _____ phoned me and said, yes, I can submit my request in writing to the Court, a Subpoena would probably be more appropriate.

I submitted my request to the Court on _____ (attached), the Court responded on _____ (attached) with a Subpoena dated and signed by Judge _____ and the SUBPOENA INFORMATION SHEET. I waited to receive the original Subpoena in the US Mail, then had it served on _____ per the SUBPOENA INFORMATION SHEET.

Rather than _____ simply cooperating, and responding to the Subpoena, he objected to it, and filed a Motion To Quash the Subpoena, a hearing was set for _____

Please review the audio of the hearing.

At the hearing, _____ claimed the Subpoena was not properly served on him. But, if you review the Court file and/or Exhibits, you will see that I provided proof as indicated on the SUBPOENA INFORMATION SHEET that the Court Emailed to me, and sent to me thru the US Mail.

Service of Subpoenas Arizona Revised Statute 13-4072

You may serve a witness by anyone of the following methods:

1. **Personal Service:** A witness may be served by any person who is not less than 18 years of age. The party causing the subpoena to be served must comply with requirements of ARS 13-4072 C, D or E by providing a Certificate of Service as described in those sections stating when, where, how and to whom the subpoena was served and files the writing with the Court. A party is responsible for payment of all fees charged by the person serving the subpoena.
2. **Certified Mail:** For delivery to the addressee only, return receipt required. The sender must attach to the Certificate of Service a mailing receipt or electronic verification that the subpoena was delivered to the addressee or that a delivery attempt was made.
3. **First Class mail:** If the addressee is provided with a certificate of service and return card and the certificate of service and return card are returned by the addressee.

I followed the instructions **exactly** as indicated, see Exhibits 10 and 12. **Is the Court's SUBPOENA INFORMATION SHEET Inaccurate?**

Then _____ stated that there is no date or time on the Subpoena. **Where in the SUBPOENA INFORMATION SHEET does it instruct me to fill in that information?** Again, I am not an Attorney, but I did follow the Courts SUBPOENA INFORMATION SHEET.

Judge _____ indicated during the hearing that, ' _____ ' The SUBPOENA INFORMATION SHEET indicates otherwise.

Then Judge _____ indicated that, 'There is no action right now between me and the Attorney, so a Judge cannot Subpoena the attorneys records in any kind of case because that is protected by the rules, and Attorney Client

privilege.' There was nothing confidential about the [redacted] Email. [redacted] claimed he already Emailed it to me on [redacted] and submitted to the Court that he Emailed it to me on [redacted] **I never received it.** Also, if what Judge [redacted] said above is true, then **why would [redacted], or Judge [redacted] even bother responding to me with the signed and dated Subpoena, and the SUBPOENA INFORMATION SHEET, it would serve no purpose?**

Today, over the phone, [redacted] confirmed she told me that she did speak to Judge [redacted] on [redacted] about the option of me submitting to the Court a Motion or Subpoena for [redacted] and that Judge [redacted] did review my request. If submitting a Motion or Subpoena on the Plaintiffs Attorney is not allowed, than **why would the Court respond to me with the signed and dated Subpoena, and the SUBPOENA INFORMATION SHEET; and why would Judge [redacted] set a hearing regarding the Subpoena, rather than just deny the Subpoena for the reasons she indicated above?**

At the hearing last week, Judge [redacted] said I already had my right to appeal the hearing that took place on [redacted] The APPLICATION AND CHINA DOLL AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES AND COSTS was submitted to the Court on [redacted] I only had fourteen (14) days to appeal the case. **The APPLICATION was submitted to the Court after the fourteen day appeal deadline had passed, therefor I did not have the option to appeal the APPLICATION.**

Lastly, in case I need to pursue these, and other Court related issues, please provide me with the name, phone number, address, and Email address of who you report to.

Respectfully,

From:
Sent:
To:
Cc:
Subject: Complaint against the Court, case
Attachments: RE:
Importance: High

Dear Judge

My OOP case ended yesterday, but based on the Subpoena hearing last Friday () at : with Judge
I wanted to get a response from you before submitting a Complaint to the Commission On Judicial Conduct, or
taking further action.

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For clarification, was the Petitioner/Plaintiff, is her Attorney, and I am the
Defendant, and not represented by an Attorney.
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Original of the foregoing delivered
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and/or Exhibits, you will see that I provided proof as indicated on the SUBPOENA INFORMATION SHEET that the Court
Emailed to me, and sent to me thru the US Mail.

**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.**