

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-248

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace had failed to make timely rulings.

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 Commission approved sending the judge an advisory letter reminding her of her obligation under Rule 2.5(A) of the Code and applicable state law to issue timely rulings. The complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission members Denise K. Aguilar, Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: February 3, 2021

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring
Commission Vice-chair

Copies of this order were distributed to all appropriate persons on February 3, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

20-248

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.

This case has been in progress for _____ It started in _____ was moved to _____ and is now in the _____ My problem is with the justice court JP, _____ I submitted several extremely important motions while it was in Justice Court and she refuses to rule on them or even acknowledge that they were filed. This is true even though they are clearly listed as having been filed with the court clerk, all fees have been paid, and they meet all of the requirements of the court.

This case is now in a higher court; it was transferred to _____ with the appeal. I have very strict deadlines for putting together my appeal arguments and can't do this without the rulings. How am I supposed to appeal rulings when the judge won't tell me what they are? I am not allowed to contact the judge directly so I must deal with the clerks. The clerks are trying to get the information but, so far, the judge has failed to provide it.

Rulings are a ministerial responsibility of the judge. It is what she is required to do, what she is paid to do, and basically her entire job.

I am unable to take this particular issue to the _____ for review because one of the motions I want to get a ruling on is a ruling about which documents from the case file should be sent to the superior court. My motion of _____ presented evidence that the filing that the plaintiff attorney had filed for submission to the _____ was filed after the deadline for filing. Since this was filed late I claim it is not a legal filing and should not be sent to the _____ with the package for review. I have no way to find out whether this filing was included with the package and, if it was, I can't protest it without a copy of the ruling allowing it to be presented. Obviously, I can't file a motion with the _____ to review a ruling without knowing that that ruling says.

I appeal to you for assistance in this matter. I believe I am entitled to a ruling on these issues. I believe they are material to the case and the judge, by refusing to rule, is interfering in this case in a way that clearly harms me. I don't think that judges should be taking sides, choosing which motions they will rule on, and withhold information from the litigants that they need in order to have her rulings properly reviewed.

This is a time sensitive matter. I therefore request that the case manager who is assigned this case contact me by telephone so that we can find some way to get it resolved before the deadlines on my filing have passed.

Motions requiring rulings:

- Civil Documents CIV - MOTION DISMISS LATE FILING
- Civil Documents CIV - MOTION CIV - MOTION & ORDER
- Civil Documents CIV - MOTION INVESTIGATE MISCONDUCT BY PLAINTIFF ATTORNEY
- Civil Documents CIV - MOTION TO TAKE ACTION
- Civil Documents CIV - MOTION FOR DEFINITE STATEMENT

email
TO Clerk

To:

***** Reply to this email to append information to [] *****

• P1 You

The status of your work order has been updated, the new status is: Open.

Please access [] to view your work order for any additional information. If you have any questions please contact the assigned technician indicated below.

Details:

ID:

Summary: Small Claims Justice Court
(same case)

Description:
by EmailRequestManagement
Work Order created via E-mail Monitor Policy: Default

From:

To: []

CC:

Subject: Justice Court
(same case)

Information submitted

This message and sender come from outside [] County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To court clerk,
Case:

Dear sirs,

I have not received key documents for this matter, including the rulings on critical motions. I hereby request copies of the rulings for these motions:

Civil Documents CIV - MOTION DISMISS LATE FILING
Civil Documents CIV - MOTION CIV - MOTION (stay exeuctio)

email
p 2

Civil Documents CIV - MOTION CIV - MOTION & ORDER
Civil Documents CIV - MOTION INVESTIGATE MISCONDUCT BY PLAINTIFF
ATTORNEY
Civil Documents CIV - MOTION MOTION TO TAKE ACTION
Civil Documents CIV - MOTION FOR DEFINITE STATEMEN
Civil Documents CIV - MOTION STIPULATION TO CONTINUE TRIAL
Civil Documents CIV - MOTION MOTION TO DISMISS -----
Civil Documents CIV - DISCLOSURE CIV - DISCLOSURE
Civil Documents CIV - MOTION MOTION TO CONTINUE

If rulings have not been issued on any of these motions, please provide written verification of this fact.

E-mail received with no Attachments

Technician Notes:

by Customer Service
your request has been sent to the Records Department.

Regards,