

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-329

Judge:

Complainant:

ORDER

February 24, 2021

The Complainant alleged a justice of the peace issued a premature ruling and had a conflict of interest in hearing a civil matter.

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 members Denise K. Aguilar and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 24, 2021.

20-329

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.

See Appendix A: Motion to Vacate (incorporated herein).
See Letters to Chief Justice _____ Exhibits 1 & 2 of the Motion to Vacate.

Judge _____ violations of judicial misconduct fall into two categories:

1. How he came to be assigned the case.

See complaints on Presiding Judge _____ and Associate Presiding Judge _____. These complaints and the enclosed Appendix outline the fraudulent scheme of ex parte communications to forum/judge shop for Judge _____. Having _____ be visiting judge in _____ does not alleviate alleged conflicts of interest.

2. What he did once he was assigned the case.

Attorney _____ knew his case was going to be reassigned due to his ex parte communications. His Answer filed _____ does not name the Honorable _____ as the assigned Judge of the case.

On _____ Attorney _____ filed a Motion for Summary Judgment on behalf of Defendant _____ prior to _____ answering the complaint in violation of Rule 129(b).

Before the deadline time for Plaintiffs to respond, Judge _____ granted _____ Motion for Summary Judgment. When Plaintiffs objected and brought _____ clear error to his attention, Judge _____ denied correcting his manifest error. Plaintiffs have filed an Objection to the transfer and assignment to Judge _____ which he denied, claiming the assignment was "proper" without explanation or citation to any Rule or case law because he is not an attorney and may not know how to properly issue a ruling in this instance. Plaintiffs objections explaining the clear errors per Rules 128 and 129(b) are pending.

Plaintiffs filed a Motion to strike the Motion for Summary Judgement as procedurally invalid and have sent letters to Chief Justice _____ based on his constitutional and statutory duties to supervise and administer all courts in Arizona.

Although Plaintiff is pro se, he is held to the duty of an attorney and therefore files this complaint pursuant to Rules of Professional Conduct and the Code of judicial Conduct. See attached Appendix for the particulars and violations by Judge _____

Judge _____ " _____ to be assigned to this case, apparently as a favor to _____ who was endorsed for _____ by the disgraced _____ of his colleague, Court Judge _____

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CONFIDENTIAL

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

FOR OFFICE USE ONLY

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Plaintiffs have no confidence in the integrity and impartiality of the judiciary due to the impropriety of this misconduct.

For reasons stated herein and in the enclosed Appendix, Judge _____ violated Rules of the Code of Judicial Conduct. Judge _____ should be reprimanded and disciplined.

APPENDIX A

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IN THE COURT
STATE OF ARIZONA

-vs-

) Case No.:
) **MOTION TO VACATE COURT'S**
) **MINUTE ENTRY AND ORDER**
) **SIGNED CLAIMING**
) **ASSIGNMENT OF JUDGE WAS**
) **"PROPER" AND STAY ALL**
) **DEADLINES PENDING**
) **EVIDENTIARY HEARING**
) Assigned to Honorable
) Improperly transferred to
) who declined, then transferred back to
) and assigned to "
) from
) Without Plaintiffs' Knowledge or Consent

To Defendants per JCRCP 128(c): You have a right to file a written response to this motion within from the date this motion was served. Your response must be filed with the court, and copies of your response must be served on the other parties as provided by Rule 120 of the Justice Court Rules of Civil Procedure ["JCRCP"]. The court may treat your failure to respond to a motion as your consent that the motion be granted.

Pursuant to JCRCP 141(c)(1)&(3) and JCRCP 143 involving errors affecting "substantial right[s]" resulting in "substantial injustice" per A.R.S. §§ 12-411 & 22-204 and A.R.S. Sup.Ct.Rules, Rule 81, Code of Judicial Conduct ("CJC") 1.1, 1.2, 2.2, 2.3, 2.4, 2.5, 2.6, 2.9, 2.11, 2.12, and 2.15, (" ") and (" ") (collectively " ") move to vacate the Court's unfounded assertion that the assignment of this case to Judge " ".
Plaintiffs provided evidence of how Defendants' Attorney

1 (“ ”) engaged in fraud, misrepresentation, and other misconduct. *See also*
2 letters stipulated by , incorporated into argument herein, that were sent
3 (EXHIBIT 1) and (EXHIBIT 2) to Chief Justice with copies
4 sent to and Court Presiding Judges and
5 , Justice Court presiding Judge , Attorney , and
6 Arizona Commission on Judicial Conduct. Judge rejected receipt of the letter sent
7 As such, Judge opinion that transfer was “ ” is clear error and
8 must be vacated. Further, it was issued before Plaintiffs’ Replies were due per JCRC
9 115 and 128 in violation of CJC Rules *supra*.

10 admits to *ex parte* communications with Presiding Judge .
11 and Associate Presiding Judge See “

12 ’ filed
13 *Ex parte* communications must comply with CJC 2.9(A)(1)(b), (A)(3), (B), (D)
14 and Comments 1, 2, 5, 9, 10. Judges and were required to **PROMPTLY**
15 notify Plaintiffs of the *ex parte* communications and give Plaintiffs an opportunity to
16 respond. Plaintiffs did not learn of the *ex parte* communications until Plaintiffs received

17 “ ’ on
18 On , Presiding Judge “ ’ of
19 by letter to the Honorable and Associate Presiding Judge
20 issued an “ ’ hearing order stating “

21 ” The letter and order do not
22 mention any *ex parte* communications with Attorney or Associate Presiding

23 The case was allegedly transferred “

24
25 ” Plaintiffs did not receive notice or opportunity to respond prior to the
26 transfer. **Plaintiffs did not receive a copy of the letter and order until discovered and**
27 **received by a court supervisor on** , Presiding Judge and Associate

**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.**