

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-013

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Judge:

Complainant:

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**ORDER**

January 11, 2023

The Complainant alleged a superior court judge (now retired) failed to issue timely rulings and made incorrect legal decisions in a civil action.

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

Copies of this order were distributed to all appropriate persons on January 11, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

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| 22-013 |
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**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.

"Plaintiff" comes before this committee as he is disillusioned and writes with indignation as to judicial misconduct throughout his case. I have been embroiled in a civil lawsuit as a pro se. During the entire proceeding I have received limited to no response on pending motions; inhibiting me from obtaining a level-playing field and restraining my right to fair proceeding. I will address issues below as follows:

1. I filed a plethora of motions with Judge \_\_\_\_\_ that were never ruled on or addressed. I was unable to proceed effectively in my case as the Judge ignored my motions (e.g., Plaintiff's Motion for Written Discovery was never ruled on and sat for over \_\_\_\_\_; Plaintiff's Motion to Amend Complaint that sat for \_\_\_\_\_ before being ruled on; and Plaintiff's Rule 59 and Rule 60 motion has not been ruled on for \_\_\_\_\_.) [Exhibit 1-3].

2. I filed a motion to disqualify Judge \_\_\_\_\_ on \_\_\_\_\_ [Exhibit 4]. The \_\_\_\_\_ Court did not provide any information regarding why no ruling was made. The Court is aware that I was waiting this ruling. I received a minute entry, \_\_\_\_\_ later that my motion was denied because the Judge had retired. (Note: Judge \_\_\_\_\_ made a ruling granting Defendant's Motion well pass the deadline on \_\_\_\_\_. The Judge allowed Defendant to file its untimely motion on \_\_\_\_\_.)

3. I have been unable to move forward in my case effectively as Judge \_\_\_\_\_ has stifled my ability to proceed accordingly. Judge \_\_\_\_\_ violations have carried on to the presiding Judge \_\_\_\_\_ which contain similar violations; I will address those issues in a separate complaint.

4. I have expended an enormous amount of court/legal fees as well as time and other expenses, including travel.

5. Judge \_\_\_\_\_ has failed to rule promptly as required in accordance with Canon 1 and Canon 2 of the Judicial Code of Conduct. Further, Judge \_\_\_\_\_ is in violation of Rule 2.2 of the ABA Model Code of Judicial Conduct. My motions sat for over \_\_\_\_\_ in violation of Section 21, Article VI of the Arizona Constitution Rule 91.

6. Judge \_\_\_\_\_ has demolished my confidence in receiving fair treatment from the Judicial system. Judge \_\_\_\_\_ simply did not uphold my rights to due process and failed to perform his duties as an officer of the court.

7. Judge \_\_\_\_\_ allowed \_\_\_\_\_ discovery abuse to fester.

8. Judge \_\_\_\_\_ failure to rule within \_\_\_\_\_ as required also prohibits him from receiving his salary pursuant to AZ Rev Stat § 11-424.02(A).

9. I'm afraid that my motions will continue to be denied for filing the motion to disqualification and for this complaint. I urge this governing body to investigate and discipline the aforementioned Judge, \_\_\_\_\_ accordingly. It is, therefore, necessary and appropriate that this governing body discipline Judge \_\_\_\_\_ and add to the record his failure to uphold his duties as an officer of the court.

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**“EXHIBIT 1”**

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**IN THE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF**

|             |            |
|-------------|------------|
|             | No.        |
| Plaintiff,  | (Honorable |
| vs.         |            |
| Defendants. |            |

Pursuant to Rule 6(b)(1)(A), Plaintiff respectfully requests the Court for leave to supplement written discovery. After conclusion of the parties' oral argument, Plaintiff further determined the need for additional written discovery on topics that were not addressed.

1. Plaintiff propounded his Request for Non-Uniform Interrogatories – Set One to Defendant on . Plaintiff received Defendant's Response to Plaintiff's Request for Non-Uniform Interrogatories – Set One on

2. Defendant was deficient in responding to the Interrogatories – Set One. Defendant objected to the Interrogatories in an evasive attempt to hide the truth, to obstruct justice and to display his disinterest as to Plaintiff's case. Rule 33.

3. Plaintiff propounded his Request for Production of Documents – Set One to Defendant on . Defendant requested an extension on ; Plaintiff granted such extension and received Defendant's Response to Request for Production of Documents – Set One on .

1 4. Defendant objected to all but two of the Requests for Production of Documents.  
2 Again, Defendant has made an evasive attempt to hide the truth, to obstruct justice and to  
3 display his disinterest as to Plaintiff's case. Rule 34.

4 5. Defendant has not only failed to provide ANY production of documents  
5 (including video) but has also failed to verify his Response to Request for  
6 Production of Documents – Set One in violation of The Federal Rule of Civil Procedure.

7 6. Plaintiff propounded his Request for Non-Uniform Supplemental Interrogatories  
8 to Defendant on . Defendant sent an e-mail to Plaintiff on same day  
9 refuse to respond to ANY of Plaintiff's Non-Uniform Supplemental Interrogatories.

10 7. Plaintiff propounded his Request for Non-Uniform Interrogatories – Set Two to  
11 Defendant on . Defendant sent an e-mail to Plaintiff on ,  
12 ; Defendant again refused to provide ANY response to Plaintiff's Request for Non-  
13 Uniform Interrogatories – Set Two.

14 8. Defendant has made every effort to refrain from engaging in good faith  
15 discovery; has minimized the merits of the case and has fully displayed disinterest in  
16 Plaintiff's case.

17 9. Rather than cooperate in good faith discovery, Defendant's counsel has  
18 presented unauthorized 'token' offers to dismiss the case.

19 10. Plaintiff is entitled to all evidence that assists in his defense in preparation for  
20 trial. Defendant has suppressed evidence and was sent two separate notices as to their  
21 legal obligation to preserve, to provide and to produce documents as required by Rule 33  
22 and Rule 34.

23 11. Plaintiff requires full disclosure and should be given the opportunity to submit  
24 additional Interrogatories, Request for Production of Documents and his Request for  
25 Admissions.

26 WHEREFORE, Plaintiff hereby requests the Court for leave to submit  
27 additional written discovery and grant Plaintiff the right to obtain full cooperation and a  
28 good faith effort from Defendant and its Counsel.

**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.**