

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-211

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Judge:

Complainant:

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**ORDER**

January 17, 2025

The Complainant alleged a superior court judge delayed ruling, submitted false payroll certifications, and had improper demeanor when the delay was questioned in a civil case.

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 complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 17, 2025.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-211

**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.

Since approximately \_\_\_\_\_ of the \_\_\_\_\_ County Superior Court has obtained money from \_\_\_\_\_ County by means of false A.R.S. § 128.01(A) certificates. As of \_\_\_\_\_, Respondent had not decided 4 motions submitted for decision from 89 to 54 days previously. Preferring to keep things informal I approached my Local Rule 2.10(c) responsibility with a letter to Judge \_\_\_\_\_ (copied to opposing counsel). The \_\_\_\_\_ letter mentioned 2 motions which had been longest outstanding. It made no mention of A.R.S. § 128.01(A) certificates, as at that point I had no intention of raising that subject. A copy of the \_\_\_\_\_ letter is included as Exhibit A.

Judge \_\_\_\_\_ reacted to my letter in fury and at least a little panic. He immediately convened an "emergency" status conference at \_\_\_\_\_ on \_\_\_\_\_ (though the Judge never explained what the "emergency" was). He was clearly very angry at having his dilatory conduct pointed out. He attacked my letter as containing falsehoods but would not allow me to defend it.

He did not allow me to explain my opinion that a motion is "submitted for decision" when no further briefing is permitted by rule or court order, unless when the last brief is filed oral argument has been requested or ordered. He insisted that my dates of submission were wrong because: (1.) well after the motions were submitted he had set a "status conference regarding all pending motions"; and (2.) he had not pronounced the motions "taken under advisement."

It was obvious to me that \_\_\_\_\_ position was absurd and patently inconsistent with the purpose of Local Rule 2.10(c), A.R.S. § 12-158.01(A), and Ariz. Const. Art. 6, § 21. If \_\_\_\_\_ was right, a judge wishing to evade the speedy-determination law, or excuse his non-compliance with it, could at any time set a "status conference regarding all pending motions" for some indefinitely distant future date, or he could simply refrain from ever pronouncing any motion to have been "taken under advisement." His point was also absurd because once constitutional "submssion for decision" has occurred, no subsequent action by the judge can retroactively undo it. \_\_\_\_\_ did not allow me to present these observations, however. He ordered me to be silent, stating that if I said another word he would hold me in direct contempt.

A recording of the "emergency" conference is attached hereto as Exhibit A. I submit that it raises serious doubt as to \_\_\_\_\_ judicial temperament.

I had not intended to broach the subject of A.R.S. § 12-158.01 compliance and therefore I had written \_\_\_\_\_ a letter rather than filing a Notice of Impending Time Limits. After the "emergency" hearing, however, I decided it would be best to adhere to the letter of the Local Rule. The resulting Notice of Impending Time Limits is submitted herewith as Exhibit B. I also wrote \_\_\_\_\_ another letter, making the points he had prevented me making at the "emergency" conference. Copies of my letters to Judge \_\_\_\_\_ are submitted as Exhibits C and D.

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

**FOR OFFICE USE ONLY**

**COMPLAINT AGAINST A JUDGE**

Name:

Judge's Name:

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In any event, \_\_\_\_\_ was failed to decide a matter that was finally submitted even by his definition. I refer to Motion for Sanctions against Defendants and Counsel of Record, filed \_\_\_\_\_ This motion was argued and taken under advisement on \_\_\_\_\_ See minute entry of \_\_\_\_\_ f. p. 2. The 60th day was \_\_\_\_\_ I allege that in connection with pay periods ending \_\_\_\_\_ and submitted false A.R.S. § 12-158.01 certificates for purposes of obtaining money from \_\_\_\_\_ County.

Complainant:

Respondent: Hon.

Statement of Complaint,

page 2

Respondent's contention that a matter is constitutionally "submitted for decision" only if and when the superior court judge declares it so submitted obviously evades and trivializes this constitutional provision and is not only untenable but subversive. That a superior court judge should show such contempt for a constitutional requirement of his position is nothing short of shocking.

In any event, as to at least one of the matters addressed by Complainant in his Notice of Impending Time Limits, 89 days have passed since submission by Respondent's own standards. On \_\_\_\_\_ in Defendants' Local Rule 2.10(c) Notice of Impending Time Limits, Complainant observed with respect to Plaintiff's Motion for Sanctions against Defendants and Counsel of Record (filed copy attached as Exhibit E), that

Movant requested oral argument but as of the date of this Notice, 60 days later, no oral argument has been set. Arguably submitted for decision on \_\_\_\_\_ and if so as of \_\_\_\_\_ 54 days will have elapsed since submission.

(remarking in a footnote that "A potential quandary is presented if argument is requested before the close of briefing but is not set within a reasonable time. Defendants contend that in that situation the motion must be deemed submitted when the last brief is filed.")

However, on \_\_\_\_\_ Respondent held oral argument on the \_\_\_\_\_ for Sanctions and declared it taken under advisement. (Minute entry of \_\_\_\_\_ f. \_\_\_\_\_ copy attached as Exhibit F). As of this date ( \_\_\_\_\_ 89 days have passed since Respondent pronounced it "taken under advisement" (183 days since it was filed and 167 days since it was fully briefed) and the Motion has not been decided.

I allege that Respondent obtained money from \_\_\_\_\_ County by submitting false A.R.S. § 128.01(A) certificates on or about \_\_\_\_\_ anc \_\_\_\_\_

On each occasion, Respondent also committed a class 2 felony in violation of A.R.S. § 13-2310(A), and in addition to any other discipline, the Commission should make an appropriate referral to the Office of the \_\_\_\_\_ County Attorney.

**From:**  
**To:**  
**Subject:** Complaint against  
**Date:**  
**Attachments:**

locx  
locx

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Caution! This message was sent from outside your organization.

Complaint: "I had not intended to broach the subject of A.R.S. § 12-158.01 compliance and therefore I had written a letter rather than filing a Notice of Impending Time Limits." This refers to "Ltr - to Judge locx" attached to this message. If there is a reference to a letter, that date is a mistake, and this letter is the letter intended.

Complaint: "I also wrote another letter, making the points he had prevented me making at the 'emergency' conference." This refers to "Ltr - to Judge locx" attached to this message. If there is a reference to a letter, that date is a mistake, and this letter is the letter intended.

I believe the copies of these two letters I submitted should have been labeled Exhibits C and D, respectively.

**From:**  
**To:**  
**Subject:** Comolaint aaainst  
**Date:**  
**Attachments:**

.pdf

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Caution! This message was sent from outside your organization.

I attach a crucial part of my Complaint which I believe may have been omitted from the papers sent to your office. It is a 3<sup>rd</sup> page, or page 2 of the "Substance of Complaint," if I understand the divisions of your Complaint form.

For ease (hopefully) of reference, the 2 documents referred to in this (previously omitted) part of my Complaint are also attached to this message. They should be Exhibits E and F of the paper submission.

Complaint: "After the 'emergency' hearing, however, I decided it would be best to adhere to the letter of the Local Rule. The resulting Notice of Impending Time Limits is submitted herewith." This refers to "Complaint .pdf", attached.  
Should be Exh. B. of the paper submission.

F:

**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.**