

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-381

Judge:

Complainant:

ORDER

December 17, 2024

The Complainant alleged a superior court judge issued untimely rulings, utilized judicial office for personal gain, and demonstrated bias against complainant.

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 Louis Frank Dominguez and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 17, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024-381

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.

Please see Attachment A for factual allegations.

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Please see Attachment A for factual allegations.

ATTACHMENT 3

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

This complaint arose from Judge [redacted] multiple violations of the Arizona Code Of Judicial Conduct, which resulted in me being harmed.

FACTUAL ALLEGATIONS

On or about [redacted] Plaintiff filed her first motion to change judge because Judge [redacted] failed to execute her judicial duties in a manner consistent with judicial standards outlined in Arizona law. Specifically, the motion details instances in which Judge [redacted] misrepresented and/or omitted material facts in Plaintiff's motions in her minute entries. (See **Exhibit A**). In denying Plaintiff's Motion To Change Judge [redacted] Judge [redacted] dismissed Plaintiff's observations of misconduct as Plaintiff's imagination.

On [redacted] Plaintiff filed a second motion to change judge. (See **Exhibit B**). Judge [redacted] continued to fail to execute her judicial duties to ensure Plaintiff's rights by continued to misrepresent facts that were material to Plaintiff's motions, Judge [redacted] continued to expressing bias towards Plaintiff by holding Plaintiff to a higher standard, while allowing the attorneys get away with not following the rules such as having ex parte communications with Judge [redacted] chambers, failing to comply with meet/confer requirements, among others. The motion also noted Judge [redacted] conduct showing her inability to be impartial and fair towards Plaintiff by holding Plaintiff to a higher standard and not the lawyers, among other observations as noted in the motion. The motion noted Judge [redacted] violating Plaintiff's right to be heard in a timely manner by Judge [redacted] sitting on motions, which are still pending before the Court after being fully briefed for more than [redacted] days each, which resulted in Plaintiff being irreversibly harm in the form that Plaintiff now having to dismiss her case because Plaintiff has lost confidence in Judge [redacted] ability to be impartial and fair, and Judge [redacted] refusing to enforce the law to ensure Plaintiff's rights. In

ATTACHMMENT 3

fact, in her minute order dated _____, Judge _____ outlines all the motions that Judge _____ has been sitting on, and some of them intentionally delaying making a decision.

In relevant part the ruling notes:

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” (See **Exhibit C**).

As showed in her own words, Judge _____ has delayed making a ruling on two material motions such as Plaintiff’s Request for Sanctions Against Defendant and an evidentiary hearing; and Plaintiff’s Motion To Compel. The delay of _____ days has prejudiced Plaintiff because it has deprived Plaintiff of her right to be heard on these issues in the form of oral arguments on the issues, and it has prevented Plaintiff from access to material evidence, some of which Plaintiff needed to present at the evidentiary hearing on _____.

While this unreasonable delay has prejudiced Plaintiff to the point of having to dismiss this matter, the delay benefited Defendant and its attorney because now the public (including this Court and the _____) will never get to hear/see all the evidence of misconduct by Attorney _____.

As a result of Judge _____ intentionally delaying decision of these motions, Plaintiff believes she will not obtain a fair and impartial trial, and because Judge _____ has permitted for such misconduct to occur under her supervision after being made aware of these violations

ATTACHMMENT 3

of the code of judicial conduct, tending to show Judge using the judicial position to harass Plaintiff, and in doing so, clearly expressing a bias towards Plaintiff.

In an overnight ruling, a few hours after Plaintiff filed the Motion to Change Judge, Judge issued a rushed ruling to Plaintiff's 18-page motion again dismissed Plaintiff's observations of misconduct that tend to show a clear bias towards Plaintiff and the harassing of Plaintiff as " " (See **Exhibit D**, pg., 2, citing Stagecoach Trails MHC, LLC). Of course, this was the lazy way out for Judge to avoid addressing the misconduct Plaintiff identified in her second motion to change judge. Instead, Judge overlooked the misconduct by arguing that Plaintiff disagreed with Judge ruling. As a trained attorney, Plaintiff understands the big difference between disagreeing with a ruling and misconduct. Either Judge does not understand this difference, or she intentionally decided to turn a blind eye to Judge misconduct. Either way, both scenarios raise serious concerns to Plaintiff as to Judge ability to execute her judicial duties, to execute them in a fair/impartial manner, and to ensure/protect Plaintiff's rights and right to be heard. Judge has established a clear pattern of her inability to execute her judicial duties, to execute them in a fair/impartial manner, and to ensure/protect Plaintiff's rights and right to be heard as it relates to Plaintiff and at the expense of Plaintiff's rights, particularly her right to redress and access to the judicial process. Because Judge refused to address the misconduct observed by Plaintiff in her second motion to change judge, Plaintiff to file a complaint with the Commission on Judicial Conduct. (See **Exhibit E**).

Similarly, on , Plaintiff filed a second motion to change judge. The grounds for this motion were Judge inability to execute her judicial duties by violating Ariz. R. Civ. P. 42.2(e) (3). This code/section required Judge not to proceed with taking action on this matter until Judge issued a decision regarding changing the judge. However, a whole day before Judge issued her ruling on , included

**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.**