

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-460

Judge:

Complainant:

ORDER

December 17, 2024

The Complainant alleged a superior court judge improperly denied her request for change of judge and used offensive wording in the order.

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.

I, _____, am submitting additional information to my complaint against Judge _____. I contend that the additional minute entry from _____, in question also violates fundamental principles of judicial conduct and respectfully request an additional investigation into the alleged misconduct of Judge _____. It appears that Judge _____ may be retaliating against me, particularly if she is aware of my complaint against her. Furthermore, Judge _____ seems to be knowingly covering up for Judges _____ and _____ in their failure to provide a fair and speedy trial free from bias and prejudice.

It is _____ constitutional right to be able to request a change of judge with cause without retaliation from Judge _____. Judge _____ lack of decorum and professionalism towards Defendant is violating multiple Arizona Judicial Code of Conduct.

Rule 1.1: Compliance with the Law- A judge shall comply with the law, including the Code of Judicial Conduct

It is imperative that judges comply with the law to maintain the integrity of the judiciary.

1. Judge _____ continues to ignore Arizona laws Judicial Bias and Prejudice – A.R.S. § 12-409(B)(5):
2. Judge _____ continues to ignore Section 21. Article VI of the Arizona Constitution
3. Judge _____ continues to ignore the Arizona laws pertaining to Contingency Fees
4. Judge _____ continues to ignore the Arizona Laws for attachments for a Pre-Judgement Writ of Garnishment/Provisional Remedy

Rule 2.2: Impartiality and Fairness – A Judge must uphold and ensure impartiality and fairness in all judicial proceedings

A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct.

1. Judge is not upholding this rule by making false statements/allegations against Defendant.
2. Judge violating this rule by claiming Defendant is “imagining” the bias and prejudice. Insinuating that Defendant doesn’t understand what bias and prejudice means because is a pro se litigant

Rule 2.3: Bias, Prejudice, and Harassment – Judge must perform their duties without bias, prejudice, or harassment to maintain the trust and confidence of the public

1. Judge continues to harass Defendant with false statements in her rulings in order to deny Notice of Change of Judge with cause
2. Judge does not maintain the trust and confidence of Defendant when making false statements and allegations against Defendant

Rule 2.6: Ensuring the Right to Be Heard- Judge must provide every person who has a legal interest in a proceeding the right to be heard according to law

1. Judge ignores Defendant’s right to be heard, falsely claiming that Defendant repeats herself. Defendant has had to reiterate her points because Judge disregarding the evidence that Defendant has presented and falsely claiming that such evidence was not provided.
2. Judge justification for denying Defendant's Notice on the premise of repetition constitutes a clear violation of Rule 2.6 of the Arizona Code of Judicial Conduct, which ensures every person's right to be heard according to law.
3. Judge is violating Defendant's constitutional right to be heard due to her evident bias and prejudice

RULE 2.8. Decorum, Demeanor, and Communication with Jurors- A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and

others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control

1. Judge is violating this rule by conduct, which is undignified, discourteous toward Defendant with derogatory comments in her multiple minute entry.

RULE 2.15. Responding to Judicial and Lawyer Misconduct

1. Judge is in violation of this rule if she knowingly knows that a judge has committed a violation of this code that raises a substantial question regarding a judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority
2. Judge and Judge is in violation of this rule if they knowingly have knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority
3. Judge is in violation of this rule as a judge who receives information indicating a substantial likelihood that another judge has committed a violation of this code shall take appropriate action. Judge has instead claimed that Defendant is imagining the bias and prejudice up, made false allegations against Defendant that are improper

Defendant Strongly Disagrees with Judge

Assessment: Defendant vehemently

disagrees with Judge assessment and finds Judge false claims that Defendant is " these issues to be unprofessional and highly offensive. Defendant takes great offense at Judge assumption that, as a Pro Se Litigant, is ignorant and unable to understand the difference between fact and fiction. According to Rule 2.3(B) of the Arizona Code of Judicial Conduct, "A Judge shall not , in the performance of judicial duties, by word or conduct manifest bias or prejudice in a proceeding." A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceedings and brings the judiciary into disrepute.

Examples of Bias or Prejudice:

1. Words: Making derogatory comments or using language that shows favoritism or prejudice.
2. Conduct: Actions that demonstrate unfair treatment of a party, such as consistently ruling in favor of one side without justifiable reasons.

Examples of manifestations of bias or prejudice include but are not limited to epithets, slurs, demeaning statements, and negative stereotypes. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased (Rule 2.3 - Bias, Prejudice, and Harassment

Comments) and (Rule 1.1. Compliance with the Law: A judge shall comply with the law, including the Code of Judicial Conduct).

Defendant's conclusions are supported by multiple facts and valid legal citations, not speculation. Specifically, Defendant provided multiple examples and citations to support the argument that Judge [redacted] violated Section 21, Article VI of the Arizona Constitution. Plaintiff [redacted] also complained and contacted Judge [redacted] office to inquire about the rulings and the minute entry, as well as the scheduling of the Pre-Trial Conference for [redacted], and the lack of rulings on Defendant's pending motions. These inquiries were made not only by Defendant but also by Plaintiff [redacted]. Defendant has contacted Judge [redacted] and administrator [redacted] numerous times to obtain the status of the Motion to Dismiss. All of this has been documented in Defendant's previous Notice of Change of Judge with Cause.

Judge [redacted] assertion that Defendant is "[redacted]" issues and has failed to meet her burden is false. It was clearly over 240 days, and Judge [redacted] has not ruled on Defendant's outstanding pending motions. Both Judge [redacted] failed to acknowledge the rules of Section 21 and have dismissed Defendant's claims by falsely stating that Defendant has failed to meet the burden. Judge [redacted] intentional disregard of the law may constitute misconduct. This is evidenced by the fact that Judge [redacted] finally ruled on the motion on [redacted], after numerous complaints from the Defendant (Rule 2.6 Ensuring the Right to be Heard) and (Rule 2.2 Impartiality and Fairness). Defendant has contacted Judge [redacted], administrator [redacted], numerous times to get status on the outstanding motions.

**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.**