

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-501

Judge:

Complainant:

ORDER

May 8, 2024

The Complainant alleged a delayed ruling by a justice of the peace hearing 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).

Copies of this order were distributed to all appropriate persons on May 8, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022 - 501

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.

Judge _____ oversaw the bench trial in case _____ on _____ which was ultimately postponed due to a disagreement between the Judge and counsel _____ regarding the rules of evidence. On _____ a continuance of trial resulted in Plaintiff submitting a proposed order, china doll affidavit, and explanation of interest, fees, and costs. On or about _____ Plaintiff's counsel contacted the court who confirmed that they had received the proposed order and accompanying documents and that they would be given to Judge _____ to review that day. Following up three days later, Court Clerk _____ stated that he put the proposed judgment on top of the Judge's stack of folder so they may be reviewed that day. Another follow up took place a week later, where the Court Clerk stated that the Judge had not yet signed. On _____ Plaintiff's counsel called the Court again who stated that Judge had not yet signed. Another week had passed without any signing, which prompted Plaintiff's counsel to submit a Request for Judgment motion; however, another month had passed with no response. Each month following, Plaintiff's counsel has reach out to the Court multiple times with similar responses that the Court would follow up or that Judge _____ is still reviewing the proposed order. On _____ Court Clerk _____ has stated the " _____ ' and stated on the 21st that the previous clerk may have neglected to file judgment and that the Court would follow up by _____ No such follow up has occurred. These most recent statements do not align with previous statements made nor do they excuse the 9 month delay of entering a judgment.

Pursuant to Rules of the Supreme Court of Arizona, Rule 91(e), "Every matter submitted to for determination to a judge of the superior court for decision shall be determined and a ruling made not later than sixty days from submission thereof, inaccordance with Section 21. Article VI of the Arizona Constitution." As of the date of this Complaint, it has been 283 days without any decision being entered by the court. The judicial conduct amounts to either willful and intentional misconduct or, at best, gross negligence by Judge _____. Due to the fact that Plaintiff's counsel and Judge _____ previously had a heated argument in open court, Plaintiff believes the delays to be intentional. Again, this is unacceptable and Plaintiff's counsel has tried every method prior to this filing to have judgment entered on the case at issue. Plaintiff has accumulated a significant amount of legal costs due to Judge _____ conduct, which should be included in the award to Plaintiff.

CONFIDENTIAL

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:** _____

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Attorneys for Plaintiff

Case No.:

Plaintiff/Counterdefendant,

REQUEST FOR ORDER OF JUDGMENT

vs.

Defendant/Counterclaimant

Plaintiff, by and through undersigned counsel, hereby requests the Court to enter judgment. This matter went to trial on On pursuant to Justice Court Rules of Civil Procedure, Rule 139(c), and at the request of the Court, Plaintiff submitted a Proposed Order of Judgment to the Court. The Rules of the Supreme Court of Arizona, Rule 91(e), states "Every matter submitted

1 for determination to a judge of the superior court for decision shall be determined and a
2 ruling made not later than sixty days from submission thereof, in accordance with Section
3 21. Article VI of the Arizona Constitution.” It has now been over 90 days since the close
4 of trial, and no judgment has been entered. Therefore, in compliance with the Rules of the
5 Supreme Court of Arizona and the Arizona State Constitution, Plaintiff requests the
6 speedy disposition of this matter and for judgment to be entered.
7

8
9
10 **RESPECTFULLY SUBMITTED** this day of

11
12
13 _____
14
15 *Attorneys for Plaintiff*

16 ORIGINAL filed this

17
18 COPY of the foregoing emailed
19 and mailed (where indicated)
20 this day of

21
22 *Defendants*
23
24 _____
25
26
27