

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-364

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Judge:

Complainant:

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**ORDER**

November 22, 2024

The Complainant alleged improper rulings by a superior court commissioner 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 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).

Copies of this order were distributed to all appropriate persons on November 22, 2024.

## FACTS

**I. Procedural History**

In the matter of \_\_\_\_\_, the case was appealed, leading to a decision by the \_\_\_\_\_ Court.

¶11 The Defendant seeks relief from the Judgment pursuant to Arizona Rule of Civil Procedure 60(b). Under Rule 60(b)(5), Arizona courts are empowered to vacate a judgment in instances where it has been satisfied or where applying it prospectively is no longer equitable. We review the denial of a Rule 60 motion for an abuse of discretion (*Gonzalez v. Nguyen*, 243 Ariz. 531, 533, ¶ 8 (2018)). A court is considered to abuse its discretion when its decision lacks evidentiary support or is legally unsound, clearly untenable, or constitutes a denial of justice (*Charles I. Friedman, P.C. v. Microsoft Corp.*, 213 Ariz. 344, 350, ¶ 17 (App. 2006)).

¶19 Lawyer is still entitled “to the recovery of such actual damages as he can prove.” *Aztec Film*, 116 Ariz. at 470 (citation omitted). Lawyer argues his actual damages should include additional amounts unrelated to the breach, including (1) the discount he accepted to settle, (2) his acceptance of payment in installments rather than a lump sum, (3) his waiver of claims against Client, (4) the \$5,000 deductible he paid to his insurance carrier before the Settlement Agreement was made, and (5) the “fees” he incurred as a pro se litigant to respond to Client’s motions. We disagree. Lawyer’s damages are limited to losses incurred because of Client’s late payments. See *Dobson Bay*, 242 Ariz. at 112–13, ¶¶ 21–24. ¶21 The liquidated damages clause, designed to penalize the Defendant for untimely payments rather than compensate the Plaintiff for damages, was deemed unenforceable. Accordingly, the Appellate Court reversed the judgment.

¶22 The case was remanded to the Superior Court for proceedings in line with the appellate decision, including the dismissal of Plaintiff’s garnishment action related to a \$10,000 penalty. The Judgment is vacated, with the revised judgment directing Defendant to pay Plaintiff \$1.64 in actual damages.

**II. Motion to Intervene**

On \_\_\_\_\_, \_\_\_\_\_ improperly filed a Motion to Intervene, attempting to garnish funds from the \_\_\_\_\_ case. The \_\_\_\_\_ Court had already ruled in favor of \_\_\_\_\_, vacating \_\_\_\_\_ Writ of Garnishment and Judgment. \_\_\_\_\_ lacks a final judgment or court order garnishing \_\_\_\_\_ appeal bond and " \_\_\_\_\_ " for attorney fees from the \_\_\_\_\_ case. Despite being served a cease-and-desist order, \_\_\_\_\_ persisted in pursuing the unlawful collection of this debt and in harassing \_\_\_\_\_.

**III. Oral Argument Before Judge**

Defendant submitted a motion to dismiss \_\_\_\_\_ Motion to Intervene for lack of a court order. During the hearing on \_\_\_\_\_, Judge \_\_\_\_\_ failed to adequately address this motion, effectively assisting \_\_\_\_\_ improper attempts to garnish Defendant’s appeal bond. The Defendant had to remind the court that the \_\_\_\_\_ Court had already found an abuse of discretion. Ultimately, Judge \_\_\_\_\_ denied \_\_\_\_\_ Motion to Intervene (as reflected in the hearing transcript).

Commissioner \_\_\_\_\_ limited her focus to addressing the \_\_\_\_\_ held in trust by the County Clerk of the Courts. However, she failed to address the \_\_\_\_\_ Court’s denial of Plaintiff’s

request for attorney fees and the Defendant's entitlement to costs on appeal, as clearly outlined in the Court's decision (see transcript of the , hearing).

#### IV. Judicial Misconduct and Code Violations

Judge actions have resulted in continued abuse of discretion, in violation of the Arizona Judicial Code of Conduct:

Rule 1.1 (Compliance with the Law): Judge failed to comply with the Court's ruling from , particularly paragraphs 11, 19, 21, and 22.

Rule 1.2 (Promoting Confidence in the Judiciary): The judge's failure to impartially and fairly adjudicate this matter undermines public confidence in the judiciary. previously filed a Notice of Change of Judge, which was granted in part, but Judge continued to preside over ancillary matters, culminating in the , hearing.

Rule 2.2 (Impartiality and Fairness): Judge demonstrated bias by failing to review or address motions adequately, while entertaining improper filings from .

Rule 2.3 (Bias, Prejudice, and Harassment): The judge's conduct suggested bias against as a pro se litigant, disregarding legal requirements for intervention and ignoring established facts, such as notification to release the funds.

Despite Plaintiff's , notification to to release funds to , Judge refused to grant a court order for the release of the appeal funds or costs on appeal, as granted by the Court. Instead, the judge falsely claimed needed to speak with the Clerk of the Court, despite having already done so and being advised that a court order was necessary.

Additionally, Judge intentionally went out of her way to embarrass me during the hearing. stayed on the call to listen to case, which I objected to. I found this rather unprofessional, and that she seemed to enjoy entertaining on the call. I have never seen such misconduct by a Judge. Overall my experience with Judge from has been less than satisfactory.

#### V. Conclusion

Judge refusal to address lien release, failure to read the motions, and overall conduct in handling this case exhibit a significant deviation from judicial norms and standards under the Arizona Judicial Code of Conduct. As such, respectfully requests an investigation into Judge for violating the AZ Judicial Code of Conduct and the corrective action that is needed to prevent further harassment and abuse of discretion against .

Additionally, is requesting the court order from the court in case to grant the order to release funds of that is still being held by .

Note: has requesting transcripts today , so I will submit the transcripts once received.

## II. Motion to Intervene

filed a Motion to Intervene, , attempting to improperly garnish funds from case. received a favorable ruling from the Court to vacate and dismiss Writ of Garnishment and Judgement. does not have a Final Judgement or Money Order Garnishing Appeal Bond and “ ” for attorney fees from Case. was already notified to Cease and Desist but continued to harass and ignore the notice to stop contacting and pursuing this unlawful debt collection.

## III. Judge Cronin Scheduled Oral Argument

filed a Request to Dismiss the Motion to Intervene for Lack of Court Order. Judge ignored my motion and never properly addressed it.

During the Hearing on . Judge ignored Defendant's Motion to Dismiss Oral Argument. Instead, during the Hearing, Judge was assisting in his attempts to unlawfully garnish Defendant's appeal bond. Defendant had to remind Judge that the Court found the court abuse of discretion and denied Defendant justice. After that Judge denied Motion to Intervene (see transcript of hearing)

Commissioner stated that she is only addressing the bond that was held in trust with County Clerk of the Courts. Judge refused to addressed court's denial for Plaintiff's attorney fees and granting Defendant's cost on appeal. All this was clearly stated in the Court's decision. (see Transcription from Hearing on )

## IV. Judge Continue to abuse its discretion and Violating AZ Judicial Code of Conduct

### **RULE 1.1. Compliance with the Law**

A judge shall comply with the law, including the Code of Judicial Conduct.

Judge [redacted] failed to adhere to the [redacted] Court's decision from paragraph 11, 19, 21, 22 (see Courts Decision Entered [redacted] )

### **RULE 1.2. Promoting Confidence in the Judiciary**

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

[redacted] had filed a Notice of Change of Judge for Judge [redacted] to be removed when [redacted] filed Appeal in the [redacted] case last [redacted]. Court only granted the change of Judge with case for Judge [redacted].

[redacted] assumed that I would not have any issues with Judge [redacted] for a simple release of funds. [redacted] filed a Motion for Reconsideration without properly notifying me. [redacted] had to refile Motion to Release of Funds after the Appellate Ruling on [redacted] motion for reconsideration. This was stated in Judge [redacted] minute entry [redacted]. During the hearing Judge [redacted] conduct was rude and unprofessional. She claimed that I filed a lot of motions but failed to read [redacted] motion or address them. If Judge [redacted] actually read my Motions, she would have read my explanation of why I had to refile my request for release of my funds. But instead, she tried to embarrass me during the hearing and ignored the fact that she advised me in her minute entry to refile once the [redacted] court made their decision. The appellate court denied [redacted] motion for reconsideration.

### **RULE 2.2. Impartiality and Fairness**

A judge shall uphold and apply the law and shall perform all duties of judicial office fairly and impartially.

Judge [redacted] did not read my motion. She claimed I filed a lot of motions. [redacted] had to refile request to Release of Funds as instructed in her minute entry [redacted]. Judge [redacted] continue to conduct herself unprofessionally.

### **RULE 2.3. Bias, Prejudice, and Harassment**

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

It's very apparent that Judge [redacted] has bias against [redacted] because I am a Pro Se. Judge [redacted] disregarded the law that requires [redacted] to have a Final Judgement or Court Order in order to Intervene for Defendant's appeal bond and funds held by [redacted] for attorney fees.

Judge [redacted] refused to address the lien for [redacted] and grant me a court order for the release of funds even when [redacted] already notified [redacted] that they can release funds to [redacted] on [redacted]. [redacted] requested to have an official court order so that I would not have any further issues for this case.

Judge [redacted] also refused to address the cost on appeal that was granted by the [redacted] Court. This was also documented in their decision. Judge [redacted] stated that she is only here to address the release of the appeal funds of [redacted]. [redacted] outlined the costs on appeal in my motions, but Judge [redacted] told me that I had to talk to the Clerk of the Court. I already talked to the Clerk of the Court back in [redacted] and they already advised me that I would need a court order for them to reimbursement for my costs on appeal. I already knew Judge [redacted] was lying to me and intentionally did not want to grant me the order.

### **RULE 2.5. Competence, Diligence, and Cooperation**

(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.

Judge [redacted] refusal to grant order for release of lien for [redacted] claim for attorney fees that was being held by [redacted].

Judge [redacted] refusal to grant order for [redacted] cost on appeal.

Judge [redacted] failure to read [redacted] Motion to Dismiss Oral Argument and Response to [redacted] Motion.

Judge [redacted] entertaining [redacted] improperly filing of a Motion to Intervene in [redacted] release of appeal bond without a court order.

### **RULE 2.6. Ensuring the Right to Be Heard**

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Judge [redacted] failure to read all of [redacted] Motions, but allowed [redacted] improper filing of Motion to Intervene [redacted]

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