

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-370

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Judge:

Complainant:

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**ORDER**

December 17, 2024

The Complainant alleged a superior court commissioner made improper rulings in a garnishment matter.

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 member Louis Frank Dominguez did not participate in the consideration of this matter.

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

## FACTS

**I. Procedural History**

In the matter of \_\_\_\_\_, the case was appealed and Appellate granted \_\_\_\_\_ appeal on \_\_\_\_\_. On \_\_\_\_\_, \_\_\_\_\_ has filed a Notice of Appeal for Provisional Remedy/Writ of Garnishment that Commissioner \_\_\_\_\_ and Notice of Change of Judge with Cause \_\_\_\_\_.

**II. Abuse of Discretion in Granting Provisional Remedies:** Commissioner \_\_\_\_\_ decision to grant a Provisional Remedy, specifically a Pre-Judgment Writ of Garnishment, was made without adherence to the proper legal procedures required for such attachments. This constitutes a clear abuse of discretion and suggests a bias in favor of the Plaintiff, raising concerns about the Commissioner's impartiality. Commissioner \_\_\_\_\_ erroneously deemed an unsigned draft of a proposed contract as a legally binding agreement. Additionally, the Commissioner permitted the Plaintiff to introduce pleadings from the \_\_\_\_\_ case as evidence.

Plaintiff, in his affidavit, falsely alleged that Defendant was disposing of funds, despite the fact that the funds had been held in \_\_\_\_\_ trust account for over \_\_\_\_\_ months prior to \_\_\_\_\_ filing for a Provisional Remedy without proper notice. In addition, Commissioner \_\_\_\_\_ granted an additional Writ of Garnishment allowing Plaintiff to garnish funds that Defendant had won in her appeal from the \_\_\_\_\_ case. The Commissioner has consistently abused discretion, displaying clear favoritism towards \_\_\_\_\_, an attorney, while showing bias and prejudice against \_\_\_\_\_, who is representing herself pro se.

Commissioner \_\_\_\_\_ also made false claims, stating that "\_\_\_\_\_. As noted above, the Commissioner improperly granted Plaintiff \_\_\_\_\_ the writ of garnishment and has continued to rule in \_\_\_\_\_ favor, even after Defendant notified both Judge \_\_\_\_\_ and Commissioner \_\_\_\_\_ of \_\_\_\_\_ failure to disclose his suspension, as well as the fact that the writ was obtained under false pretenses. Additionally, the alleged contract submitted by Plaintiff was terminated by \_\_\_\_\_ in \_\_\_\_\_ and never pertained to the \_\_\_\_\_ case, rendering it invalid.

The Appellate Court ruled in Defendant's favor in the \_\_\_\_\_ case, and the funds legally belong to the Defendant. The court in that case denied Plaintiff \_\_\_\_\_ Motion to Intervene, finding that the lower court had abused its discretion, thus denying Defendant justice. Commissioner \_\_\_\_\_ lacks the authority to overturn the Appellate Court's ruling in the \_\_\_\_\_ case. In Arizona, as in most jurisdictions, individual judges from unrelated cases cannot directly intervene to garnish funds. Garnishments must follow established legal procedures, and a judge from an unrelated case does not have the authority to attach funds, particularly when there has been no Final Judgment in Plaintiff's favor.

In the case of *Law Offices of David Efron, P.C. v. Candelario*, the First Circuit held that funds deposited in a federal court's registry are protected under the doctrine of *custodia legis*, preventing state courts from directly garnishing or attaching those funds (*Law Offices of David Efron, P.C. v. Candelario*, No. 16-1010 (1st Cir. 2016)). A court abuses its discretion when there is no evidence to support its conclusion, or when the conclusion is legally incorrect, clearly untenable, or constitutes a denial of justice (*Charles I. Friedman, P.C. v. Microsoft Corp.*, 213 Ariz. 344, 350, ¶ 17 (App. 2006)).

III. **Plaintiff failure to disclose Suspension:** The Plaintiff failed to disclose a suspension from to \_\_\_\_\_, which is a material omission that affects the integrity of the proceedings. Commissioner \_\_\_\_\_ granted \_\_\_\_\_ the provisional remedy while Plaintiff \_\_\_\_\_ was under suspension. Once Defendant discovered this in \_\_\_\_\_ and notified both Judge \_\_\_\_\_ still denied Defendant's motion dismiss and request for new trial under Rule 60. Defendant's Motion to Vacate/Dismiss for Unauthorized Practice of Law, Violation of Probation

IV. **End of Representation:** This alleged contract was also terminated by Plaintiff on \_\_\_\_\_, which \_\_\_\_\_ intentionally failed to disclose to \_\_\_\_\_ and the Court. This alleged contract is invalid. Plaintiff does not possess a signed contingency fee agreement for the \_\_\_\_\_ case. Commissioner \_\_\_\_\_ granted Plaintiff Pre-Judgment Writ of Garnishment.

#### V. **Motion to Intervene**

On \_\_\_\_\_, \_\_\_\_\_ improperly filed a Motion to Intervene, attempting to garnish funds from the \_\_\_\_\_ case. The Appellate 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 \_\_\_\_\_.

#### VI. **Executing Pre-Judgment Writ of Garnishment against \_\_\_\_\_ Lien for Attorney Fees**

Plaintiff \_\_\_\_\_ improperly served \_\_\_\_\_ attorney \_\_\_\_\_ on the \_\_\_\_\_, writ of garnishment without a court order. \_\_\_\_\_ is clearly in violation of his bond for multiple attempts to execute without a court order.

VI. **Violation of Pre-Judgment Writ of Garnishment:** Plaintiff improperly attempted to execute the Pre-Judgment Writ of Garnishment without a final judgment or court order, with the intent to delay the release of Defendant's Appeal Bond and attorney fees lien from the \_\_\_\_\_ case. Commissioner \_\_\_\_\_ denied Defendant's Motion to Dissolve the Pre-Judgment Writ of Garnishment.

VII. Judge \_\_\_\_\_ improperly denied Defendant's Motion to Dissolve the Pre-Judgment Writ of Garnishment, despite the Plaintiff's attempt to execute the writ without obtaining the requisite court order.

#### VII. **Commissioner \_\_\_\_\_ granting Interpleader**

Commissioner \_\_\_\_\_ does not have authority to grant funds from \_\_\_\_\_ case to be transferred to the \_\_\_\_\_ County Clerk of the Courts. The Appellate Court dismissed the Final Judgment and denied \_\_\_\_\_. Commissioner \_\_\_\_\_ disregarded the Appellate Court ruling. \_\_\_\_\_ improperly granted \_\_\_\_\_ to turn over Defendant's funds from \_\_\_\_\_ lien for attorney fees to the Clerk of the Courts. Judge \_\_\_\_\_ is committing abuse of discretion.

#### VIII. **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 Appellate 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. [redacted] previously filed a Notice of Change of Judge, which was granted in part, but Judge [redacted] continued to preside over ancillary matters, culminating in the [redacted], hearing.

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

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

#### RULE 2.11. Disqualification

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

#### V. Conclusion

[redacted] in filing this complaint against Commissioner [redacted] for Conflict of Interest – A.R.S. § 12-409(B)(1): Judicial Bias and Prejudice – A.R.S. § 12-409(B)(5), Failure to perform judicial duties, and in violation of multiple of the AZ Code of Judicial Conduct.

Commissioner [redacted] improperly turning over funds from Defendant's [redacted] case which the Appellate Court ruled in [redacted] favor. This is abuse of discretion and intentionally trying up my funds unjustly.

CLERK OF THE COURT

STATE OF ARIZONA

Phone:

Fax:

PC, )  
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 Plaintiff/Appellee, )  
 )  
 v. ) County  
 ) Court  
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 )  
 Defendant/Appellant. )  
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**APPELLATE CLERK**

Defendant/Appellant/Pro Per (mailed and emailed)

The index of record from the Court was filed on ,  
 . Documents filed with the Court on or after this date will  
 be requested by the after one of the following occurs:  
 filing of the Reply Brief, or expiration of the due date for the Reply  
 Brief, or the issuance of an order submitting this matter for decision.  
 The case has been assigned the above number in the ,

Appellant's filing fee of is due on or before .  
 If the filing fee is not paid within the time provided, this appeal will  
 be abandoned in accordance with the provisions of A.R.S. § 12-322(A) and  
 Arizona Rules of Civil Appellate Procedure 12(e)(2) .

Pursuant to Arizona Rules of Civil Appellate Procedure (ARCAP) Rule 11,  
 parties are responsible for ordering any necessary transcripts that were  
 not previously filed as part of the official record.

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Pursuant to ARCAP Rule 11.1(d), parties are then responsible for filing any transcripts they have ordered with the \_\_\_\_\_, as well as serving other parties involved in the case, within 5 days of receipt.

Arizona Rule of Civil Appellate Procedure 12(d) requires appellant to file a Case Management Statement by \_\_\_\_\_. This form may be found at:

Appellant's opening brief is due on \_\_\_\_\_.

\_\_\_\_\_, CLERK

By

\_\_\_\_\_  
Deputy Clerk

A copy of the foregoing notice was sent \_\_\_\_\_, to:

Attorneys for: Plaintiff/Appellee

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Pursuant to A.O.s [2020-02](#) and [2020-03](#), the court expects briefs to be filed timely and will only grant motions for extension of time for good cause. Absent an order granting an extension of time, briefs will be deemed untimely if they are not filed by the due date.

If you plan to request an extension of time, please review the Court's [policy](#) prior to submitting your request. Motions requesting extensions should be filed well in advance of the due date so they can be processed prior to the due date. The court will not provide short-term extensions solely to consider a motion for extension of time.

**YOU MAY BE ELIGIBLE FOR LEGAL ASSISTANCE:** if you reside in \_\_\_\_\_ County and cannot afford an attorney, you may qualify for assistance. For general information regarding assistance that may be available, please visit:

\_\_\_\_\_  
The \_\_\_\_\_ offers subscription lists to receive emails regarding new opinions and informational news items. Interested persons can text " \_\_\_\_\_ " to \_\_\_\_\_ to sign up for both opinions and news. Individuals wishing to receive only opinions or only news may visit the website: \_\_\_\_\_ and click on "subscribe".

**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.**