

Filing a Complaint or Compliment

Q

What if I have a complaint or compliment about the conduct of an employee who works for the Judge, Commissioner, Court Administration, or Clerk of Court?

A

If you want to report the conduct of someone who works at the court, write a letter to his or her supervisor with the following information:

- The name of the employee;
- Explain what happened;
- When it happened; and,
- What was wrong or right about the employee's conduct

Send your letter to:

1. If the complaint or compliment is about a person who works in a judge or commissioner's office, write a letter to that judge or commissioner at:

Name of Judge or Commissioner
Superior Court of Arizona
201 West Jefferson
Phoenix, AZ 85003

2. If the complaint or compliment is about a person who works in Court Administration, write a letter to:

Mr. Marcus Reinkensmeyer
Court Administrator
Judicial Branch Arizona
in Maricopa County
125 W. Washington, 5th Floor
Phoenix, AZ 85003

3. If the complaint or compliment is about a person who works for the Clerk of the Superior Court, write a letter to:

Hon. Michael Jeanes,
Clerk of the Superior Court of Arizona
201 West Jefferson
Phoenix, AZ 85003

Revised 2008

Self-Service Center

There are many choices on how to handle court cases. Because of this, you should get expert advice from a lawyer. Only a lawyer can advise you which choice is best for your individual situation.

A lawyer can "coach" you in how to handle the matter yourself. This is less expensive than hiring a lawyer to represent you. For information about finding a lawyer to "coach" you, call 602-506-SELF, then press 3. Once a lawyer tells you what you should do in your case, you will need the right court document. Some documents have been created for certain legal procedures.

There are three ways to get most of those court documents:

- The Self-Service Center has many preprinted forms.
- The Maricopa County Public Law Library in Superior Court has books with some Court forms.
- Some stores carry legal forms (They are listed in the Yellow Pages under Legal Forms).
- If you cannot find a form that fits your situation, please consult with a lawyer.

The Self-Service Center is a Court program designed to help you help yourself in court. Here's what is available:

- Information about many Court procedures;
- Court forms and instructions for: Family Law (Domestic Violence, Paternity, Divorce, Support, Custody, Visitation), Probate (Guardianship/Conservatorship of Adults and/or Minors, Appointment of a Personal Representative), Juvenile Dependency, Small Claims Property Tax Appeal;
- Information about lawyers, mediators, and other community providers who will help you help yourself.

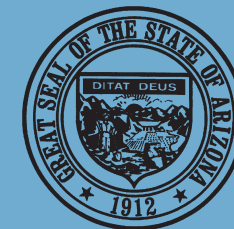
To contact the Self-Service Center call (602) 506-SELF or visit the website at: www.superiorcourt.maricopa.gov

Downtown Phoenix
101 W. Jefferson,
First Floor
(in the Law Library)

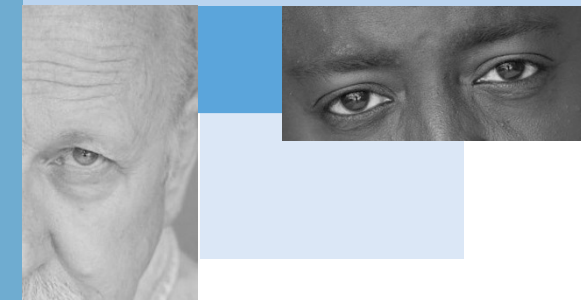
Northeast Phoenix
Northeast Regional Court Center
18380 N. 40th Street

Surprise
Northwest Regional Center
14264 W. Tierra Buena Lane

Mesa
222 E. Javelina,
First Floor
(in the Law Library)



Answers At A Glance for Court Customers



Superior Court of Arizona in Maricopa County

Hon. Barbara Rodriguez Mundell,
Presiding Judge
Marcus W. Reinkensmeyer, Administrator
Judicial Branch of Arizona in Maricopa County

Questions and Answers

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What if I do not agree with the decision a Maricopa County Superior Court judge or commissioner made in my case?

A

The course of action that is best for you depends on many things, such as what the judge decided, how the decision was made, and when the decision was made in your case. For example, if you disagree with the final judgment of the court, you may be able to appeal the decision to an Arizona appellate court. The Arizona appellate courts are the Court of Appeals and the Supreme Court. Usually, you must file first in the Court of Appeals, although there are some exceptions to this rule. Appeals in civil cases, which include family law cases, are covered by the Arizona Rules of Civil Appellate Procedure, which may be found in any public library in a book entitled Arizona Rules of Court. Different rules, also found in the Arizona Rules of Court, apply in juvenile and criminal cases. There are time limits that must be followed for appeals to be heard.

If you disagree with a decision in your case that is not a final judgment, you may be able to ask an Arizona appellate court to review the decision by filing a Petition for Special Action. These are not automatically heard and it is up to the Appellate Court whether to hear them or not at this stage.

Some other options provided for in the Arizona Rules of Court for civil cases include a Motion for Reconsideration (Rule 7.1, Arizona Rules of Civil Procedure) and a Motion for a New Trial (Rule 59, Arizona Rules of Civil Procedure). It is important that you follow these rules closely. Filing a Motion for Reconsideration will not extend the time limit to file an appeal. All of these rules may be found in any public library in a book entitled Arizona Rules of Court.

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What if I have a complaint about how the judge or commissioner acted or treated me or others in my case?

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The Commission on Judicial Conduct investigates complaints about the misconduct of judges or commissioners. The Commission on Judicial Conduct does not review a judge or commissioner's decisions.

To find out more about filing a complaint:
Commission On Judicial Conduct
1501 West Washington, Suite 229
Phoenix AZ 85007
Phone: (602) 452-3200
http://www.supreme.state.az.us/ethics/Commission_on_Judicial_Conduct.htm

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Can I talk privately with a judge or commissioner about my case?

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No, that is known as *ex parte* communication. Court procedures have been well developed to make the entire judicial process as fair as possible. One side speaking privately with a judge or commissioner may give the impression that the judge or commissioner is favoring one side over the other.

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Can another Maricopa County Superior Court judge or commissioner review or change a decision by the judge or commissioner in my Superior Court case?

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Generally, no Superior Court judge (including the Presiding Judge) has the authority to review or change the decision of any other Superior Court judge or commissioner. A Superior Court judge *can* review, overrule, or change the decision of a lower court judge (Municipal or Justice of the Peace Court) if that case has been appealed to the Superior Court.

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What if I want a different judge or commissioner to hear my case?

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That depends on many factors. Changing to a different judge or commissioner is only possible under certain circumstances and time frames. For example, when a case is newly assigned to a judge, you may be able to change your judge by filing a Notice of Change of Judge with the assigned judge. You do not have to say why you are requesting the change. However, this notice must be filed before any hearings have been held in your case. For civil cases, including family law cases, the rule that applies is Rule 42(f)(1) of the Arizona Rules of Civil Procedure. For juvenile cases, the rule that applies is Rule 2(B) of the Arizona Rules of Procedure for the Juvenile Court. For criminal cases, the rule that applies is Rule 10.2 of the Arizona Rules of Criminal Procedure.

If you have a reasonable factual basis to believe that a judge is biased or prejudiced against you, you may be able to have your case sent to another judge by filing a Motion for Change of Judge for Cause. This motion is decided by a judge other than the assigned judge.

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What if a judge or commissioner will not decide my case promptly?

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Again, this depends on the circumstances and a lawyer can help you to understand the situation. However, there is a requirement that judges decide any matters they have under advisement (awaiting a decision) within 60 days. The point at which a matter is taken under advisement is not always clear.

Generally, after final oral or written closing arguments the case is considered to be under advisement. If you believe a matter has been under advisement for more than 60 days, you may check with the judge's staff. If you still are not satisfied, you may file a written complaint with the judge handling your case, the department presiding judge, and the presiding judge of the court. You may also file a complaint with the Commission on Judicial Conduct.

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In what other ways are judges accountable to the public?

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Superior Court judges in Maricopa County are nominated by a special merit commission and appointed by the Governor. Judges stand for retention election after their first two years in office and then every four years after that. Voters are able to vote "yes" or "no" for each Superior Court judge on the ballot. During a four-month period before each general election, the Arizona Commission on Judicial Performance Review surveys all lawyers, self-represented litigants, witnesses and jurors who appear before the judge. The results of the surveys, as well as the Commission's approval rating of each judge, are mailed to all registered voters to help them decide whether to retain a judge. Further questions about this process may be directed to the Commission at:

Commission on Judicial Performance Review
1501 West Washington, Suite 227
Phoenix, AZ 85007-3231
Phone: (602) 452-3098
<http://www.azjudges.info/home/index.cfm>