

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-081

Judge:

Complainant:

ORDER

The complainant alleged a pro tem justice of the peace denied him the right to question witnesses, present evidence, and made improper rulings in an eviction proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission determined that the judge failed to allow a litigant to cross-examine witnesses. While this was improper under Rules 1.1 and 2.6(A) of the Arizona Code of Judicial Conduct, the Scope Section of the Code provides that it is not intended that every transgression will result in the imposition of discipline. The commission decided, after considering all the facts and circumstances, to dismiss the complaint pursuant to Rules 16(b) and 23(a), but to issue a warning letter to the judge reminding him to afford litigants all procedural rights, and encouraging him to receive additional training in the area of eviction proceedings.

Commission members Art Hinshaw, Roger D. Barton and Margaret H. Downie did not participate in the consideration of this matter.

Dated: August 22, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on August 22, 2017.

This order may not be used as a basis for disqualification of a judge.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2017-081

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.

See included documents.

This judge is a totally out of control. Who do these people think they are that they can make their own rules as they go along?

What kind of trial disallows the defendant to question witnesses?

What kind of trial disallows the defendant to present evidence?

This judge was in a hurry to get the next matter which wasn't scheduled. I have been to an eviction trial before and this was a mockery of justice to say the least.

These are serious issues about people's lives and I should have had the opportunity to interview the witness and present my case.

COMPLETE DISREGARD FOR THE LAW!

I totally proved that the plaintiff had accepted partial payment and the case should have been dismissed and that judge again thinks he makes the laws.

1. Plaintiff admitted that rent was paid.
2. Plaintiff admitted that rent was paid and \$ was paid for

It doesn't matter if plaintiff and I disagree about the amount paid for or owed in As soon as they accepted that partial payment they waived the right to proceed.

I don't find it surprising this judge was Without being political, the fact is the swamp need to be drained and these courts need to follow the law, not do things the way they want.

When I was trying to introduce evidence which is not the way I intended to do it he wouldn't even look at the and tried to say it was for when that was not the case. but agreement was to do the rest in and I was not allowed to present evidence.

Furthermore the buffoon called a "judge" repeatedly attacked me and wouldn't let me talk as he continued to violate my rights as seem to be the status quo with many of these

Trial?? What a joke!!!

Opening Statement?

Right to question the witness?

Right to have evidence submitted to the record upon request, without objection?

A. A landlord is not required to accept a partial payment of rent or other charges. A landlord accepting a partial payment of rent or other charges retains the right to proceed against a tenant only if the tenant agrees in a contemporaneous writing to the terms and conditions of the partial payment with regard to continuation of the tenancy. The written agreement shall contain a date on which the balance of the rent is due. The landlord may proceed as provided in article 4 of this

chapter and in title 12, chapter 8 against a tenant in breach of this agreement or any other breach of the original rental agreement. If the landlord has provided the tenant with a notice of failure to pay rent as specified in section 33-1368, subsection B prior to the completion of the agreement for partial payment, no additional notice under section 33-1368, subsection B is required in case of a breach of the partial payment agreement.

B. Except as specified in subsection A of this section, acceptance of rent, or any portion thereof, with knowledge of a default by tenant or acceptance of performance by the tenant that varied from the terms of the rental agreement or rules or regulations subsequently adopted by the landlord constitutes a waiver of the right to terminate the rental agreement for that breach.

There wasn't even a debate in the so-called trial about this matter. The landlord has admitted that accepted the partial payment.

Is this judge related to _____ for the _____ I filed a complaint against
this judge about _____ as well as others and _____ This judge,
_____ would be better suited in a court in _____ What is the point of having laws with judge
like this that tell the defendant, " _____ " or whatever exact
terminology that was used.

The laws exist for a reason handed down by the legislature. Some of the _____ are following the
laws and when a trial is scheduled a defendant can actually present his case if they know how. I was
ready to present my case and wasn't given any opportunity but a judge actually looking at what I
presented and said it was something else. It was proven that this landlord accepted a partial payment
and then filed _____ the law is the law.

*I have included some exhibits I was going to introduce
and other things. I know how the process works.*