

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-272

Judge:

Complainant:

ORDER

The complainant alleged a small claims hearing officer was biased against her.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the hearing officer 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.

The commission does not have jurisdiction to review the legal sufficiency of the hearing officer's rulings. In addition, the commission found no evidence of ethical misconduct and concluded that the hearing officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: December 6, 2017

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on December 6, 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

2017-272

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.

Today, _____ I had a _____ hearing in which my husband, _____ accompanied me as a witness and for moral support. The case pertained to a former renter who was seeking to have her security deposit returned. First of all, The judge _____ seemed to be very empathetic to the plaintiffs cause, while showing a contempt for the defendants table.

While going over the list of expenditures that I had presented to the court, the judge began to dismiss expenditures, some with explanation and others without. When I asked if I could ask a question about one of the expenditures she disallowed pertaining to a _____ I was abruptly denied. The judge didn't even ask a question pertaining to the expenditure. I'm not sure she knew what the item in question was. I think that she denied the expenditure without question because she didn't know anything about the technical aspect of the item. My husband tried to explain that the tenant who was running a business out of the home (which was against the lease agreement) had the _____ dramatically altered to satisfy the communications needs of her fathers business and not returned to the original communications condition. This item was a fixed structure to the home when it was leased and should have been restored to it's original state. This was evidenced by photos that were taken at the end of the lease. Before my husband could explain the expenditure to the judge, she told him that it was her decision to strike that expenditure off the list.

Another instance of the judges bias came when there was an expenditure on my list about a _____ in the kitchen. We had renovated the whole house at an expense in excess of _____ just months before _____ (the tenant) moved in. She was in the house for over _____ years. on several occasions we were at the house and witnessed wet glasses and containers on the kitchen counters. We informed _____ that moisture would leave watermarks on the counters and she said she would be careful not to leave wet items on the counters. During the walk through inspection, there were noticeable watermarks on the countertops. We took pictures and presented them at court. The judge asked _____ if she took pictures of the countertops upon moving in, she said "NO". The judge said that's too bad. Then asked me if I had taken pictures before leasing the home. I said I hadn't since there were no issues to note. The home had just been remodeled. It was in immaculate condition.

_____ then chose to decide in _____ favor on that issue also, denying the expenditure for restoration of the _____

I realize that the judges rendering is binding in _____, and I will abide by the decision passed down by the judge; however, judge _____ obvious disregard for my supporting documentation, and her obvious contempt for my husbands and my questions along with her sympathetic attitude towards the plaintiff are extremely contrary to the ideals that should be held by someone who sits in that chair and is sworn to uphold the law without bias.

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To further demonstrate _____ disdain for me and my defense, is shown in her decision to award the plaintiff not only her court costs and her cost to correspondence with me, but to also award her an additional _____ (approx) for postage on a letter in which she returned a certified check, which was sent to her as reimbursement for the balance of her security deposit. _____ didn't agree with the amount and admitted that she hadn't realized that the check was certified so she returned it to me. I promptly resent the check to her and she cashed it. _____ awarded the plaintiff the cost of the postage even though _____ admitted she returned the check not realizing it was certified.

These few examples of biasness are but an overview of the atmosphere in the court room. The obvious disdain for the defense and favoritism towards the plaintiff was much more evident in the court room than can ever be expressed in this complaint.

Never having filed a complaint about a judge's behavior before, I don't know the protocol. If there is a forthcoming response to my complaint, please address it to the address above.

Thank you for the outlet to express my displeasure and frustration in this matter