

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-200

Judge:

Complainant:

ORDER

The Complainant alleged a pro tem justice of the peace engaged in ex parte communication, was biased in favor of the opposing party, did not afford him an opportunity to be heard, and engaged in improper demeanor at a judgment debtor's exam.

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.

After review, the Commission found the judge's comments during the judgment debtor exam gave the impression that she was biased and had prejudged the case. While this was improper under Rules 1.2, 2.2, and 2.3 of the Code of Judicial Conduct, the Scope Section of the Code provides that not 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 Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer to consider the perception of such comments in the future.

Commission members Barbara Brown and George H. Foster, Jr., did not participate in the consideration of this matter.

Dated: November 6, 2019

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on November 6, 2019.

To: AZ Commission on Judicial Conduct
1501 W. Washington St. #229
Phoenix, AZ 85007

Comp
2019-200

Re: Judge, : Case #

Date:

Dear commissioner:

I would like to file a complaint about judge, I had Judgement Debtor Exam (JDE) on , that was quite unfair and exhibited extreme prejudice.

: I had a JDE @ for Judgment Debtor Examination I was at the to check-in at clerk's window. The clerk told me that we should wait at front of court room which is located opposite of the clerk's windows. the Debtor (Defendant) showed up with her Attorney name is and they did **not check in, instead they went elsewhere.** It seemed very strange they were not checking in immediately after the debtor and attorney showed up at the court room, I said to court clerk the debtor and attorney talked with the judge earlier.

About Court session begins with judge, without introduction nor under oaths. She seemed confused and unfamiliar with the subject. While she was looking on a computer, the debtor attorney, without judge's request or permission began to filibustering excuses such as defendant did not find this debtor examination summon till yesterday. **However, defendant was personally served by process served on , please refer process remark.**

He was making untrue nonsense statements to attempt to slander me. Complaining about how busy they were, and **court made mistake with 10-day response calculation period (they are 2 days late actually filed on 8th day; I'm including my calendar). I tried to explain these misunderstandings and error on calculation. After all these 10 days prior request was not dictate on court decision.** The judge, was not interested to hear the truth **she just exclaimed that (Holiday) was not an exception (which it was not included as one)** and she did not even check the days herself. **It was odd how judge spent so much time patiently listening to attorney, about past matters that did not concern the Debtor Examination. has demonstrated his own carelessness and irresponsibility with distorted stories about how much they did not prepare. This was all his point to justify his client not coming prepared to a JDE. Judge allowed to waste so much court time and even showed her agreement even seeming almost sympathetic with the defendant being so unprepared, simply taking the word of and even expressing how much she agreed.**

I was not given any chance for my opening statements. Or asked to explain about the defendant's claims. I was simply **dismissed** when I attempted to speak and told I could make a "BRIEF" response after [redacted] had been speaking for a long time. At the time I was allowed to respond so much had already been said it was almost impossible to know where to even start and I did not want to waste time being told that I could only **respond "briefly."** I thought in normal court sessions usually the plaintiff first makes an opening statement and following up judge heard both stories was my understanding...

***** Judge [redacted] did not recognize the extreme negligence of defendant attorney who is licensed to KNOW THESE PROCEDURES, PROTOCOL AND RULES.** But [redacted] was allowing the defendant attorney to continue his distorted stories I was shocked and **unallowed to interfere.** She shut me off **THIS IS EXTREME FAVORITISM AND LACK OF KNOWLEDGE (**PLEASE REVIEW HEARING AUDIO OR VIDEO as evidence**).** As she knew I am self-represented I am at a disadvantage competing with an attorney, but I should be given equal and fair treatment and I am here for debtor examination not for the [redacted] debate that was already done [redacted] ago, [redacted]. I have no reason to bring the documents of past issues and had no detail / that vital information with me at that time.

**** case chronologically follows:

1 - I filed [redacted] against [redacted] s and / or [redacted]. I sent a copy of summons to defendant with certified mail court docket has the receipt information (please review case information), hearing set up

2 - Defendant filed to transfer to civil case, but they did not file in 10days timely manner and, for **WHATEVER REASON the request WAS NOT GRANTED (please refer to my calendar)**

3 - I requested to have the case remain in [redacted] and did not agree to transfer request because they did not transfer in a timely manner (10 days prior) I sent my letter to judge.

4 - I arrived at [redacted] for court hearing. Defendant did not show up. **Judge mentioned this is still [redacted]. Also judge acknowledged that defendant did not make transfer request in a timely manner.** I assumed this is a default case, but Judge wanted to give defendant a second chance. I was disappointed in his decision. 2nd hearing was scheduled

5 - My family (**as my witnesses**) and I arrived for court. Defendant did not show up for court session again, Judge asked us to come back again that day after [redacted]. So, we waited since [redacted] since originally checking in for court session.

6 - I went back to same court room, defendant was still not there. This was **the 3rd time** I went for a hearing. **It seems extremely past due for exercising written laws.** The presiding judge went to consult with another judge at his office and did proceed with a default hearing granting judgement in my favor.

5) 7- Sent garnishment to bank but unable to collect judgement.

- 6) [redacted] Filed a judgement debtor examination. Hearing day set up for [redacted].
- 7) [redacted] **-Another Judgment Debtor Examination????**

This is some of the judge's conduct:

- 1) Does she have **enough knowledge to differentiate**, the Debtor's attorney's prophetically rambling and accusing me about the [redacted] **issues that are irrelevant today's hearing subject. Also, he should not discuss or argue about that [redacted] case. He was not designated that in [redacted] court he not involved in.** Also, he is saying how much he is unprepared, and his life is too hectic. He was accusing me not sending him a paper?? (I had no idea; he has any relation with this [redacted] case!). Judge intensely listened to his excuse, but **never asked or enforced today's subject, the Judgment Debtor Examination!!**

- 2) I am aware that after judgement, the Debtor can hire an attorney, that attorney should be in his course such as debtor examinations which he appeared **today but they ignored court ordered to bring their financial document tax, deed, etc. (if they don't bring these docs they will be severely punished that was what I read in debtor examination summon??) instead of coming to attack the judgement and me. Insulting precedent judge and totally mocking court decisions.** I am kind of shocked by [redacted] **slandering me without a chance to clarify why I am here. The judge is acting like she is drunk with her power she did not give me an adequate chance to correct information and any debates, it seems premeditated her decisions.** I am involved in this case since last year [redacted]. It should be done by very first hearing [redacted]. It's become **unbelievable, disrespectful and shows extreme greed and negligence of Defendant (Debtor) and attorney.**

- 3) [redacted] made a request that judge [redacted] be the judge for the continued JDE
 I objected as I saw no reason to complicate and or limit this very long case to a particular person. [redacted] did not seem to appreciate my objection and her tone, became immediately **almost hostile and defensive it seemed like she took my response personally.** Asking why I would not want to have the same judge?
 I said nothing regarding to objecting to her presence at the next hearing, simply that I did not want to wait for her availability at the defendant's convenience.
Judge [redacted] was incredibly patient when listening to [redacted] and not once did she object or question any of his reasoning or actions.
With my case judge [redacted] was the complete opposite. She was impatient, scolding and dismissive with the time she gave me. Although it was claimed there was too limited time to conduct a JDE at the time, why then did she act so differently when speaking to and listening to both parties?
I felt this was excessive discrimination.

4) If [redacted] wanted to spontaneously (that moment) change the Judgment Debtor Examination. Why did I not get 10 days' notice from court? (if there are any changes in hearing). So that I could prepare and consult with my attorney! It seems like [redacted] is obviously and utterly VIOLATING COURT PRECEDURE.

I am shocked I respect laws and what is right. I was totally punished by being honest and fair. Please investigate judge [redacted] conduct and her ethical behavior. I could not believe her lack of knowledge, integrity, ethics and lack of impartiality. [redacted] can not perform her position; above that she is very abusive with her power! I think her ***very poor sense of judgement is harmful to the public***!! Her entire behavior seemed** irrational and inappropriate** for [redacted] !!!

Thank you

PS: once again, please review [redacted] hearing video or audio

Witness
Statement

To: Arizona Commission on Judicial Conduct

From: _____ ;

Date: _____

Re: _____

Case _____ ;

Commissioner:

I'm a witness and _____ . Since _____ moved in to _____ ;
_____, his life is upside down as well as ours. He is a _____ ; _____ not long
ago. he was in process of getting a new job and training for a better life. But
_____ ; landlord, _____ ; extreme greed and not fulfilling landlord obligations for
their tenants, during that time he had _____ ; _____. Also, he had to
decline his new job training. **This lawsuit was all about _____ ; _____ ; _____ ;
responsibilities and obligations because of their EXTREME GREED.**

It was necessary to bring these damages to _____ ; court. He has many expenses such as;
it was necessary to use an agent to break the lease. he is not an expert on law, so he went to
the law library at superior court, phoenix, so that he will become more familiar in that area (a
lot of time he had to sacrifice).

Finally, he got the judgement. The award amount did not nearly cover all we had to endure in
damages (financial, mental anguishes, time etc.). **But we are grateful a fair judgement was
acknowledged.**

Afterall, **THESE ORDEALS were tarnished by the judge _____**, let me explain some
examples:

**A. _____ : hearing set for Judgment Debtor Examination. Debtor attorney,
_____ and JP _____ discussing _____ issues. That's already done
DOES this VIOLATE ARS 22-512A? – under the section _____ I DOES NOT ALLOW
ATTORNIES EITHER PARTIES.**

Q1) if Debtor (Defendant) attorney wants to move to _____ ; WHY WAS IT NOT CHANGED
IN A TIMELY MANNER, THEY HAD _____ TO CHANGE!!

Q2) **The HEARINGS _____ AND _____ (GIVEN 2ND CHANCE) ARE CLEARLY ENFORCED BY
LAW "WHY" DEFENDANT "DID NOT" SHOW UP to COURT FOR HEARINGS?**

**B. WHY JP _____ DID NOT ENFORCE THE LAW JUDGEMENT DEBTOR EXAMINATION? Debtor is
required to bring ALL DOCUMENTS (banking, deed tax, etc.). DOES THIS VIOLATE SEAN
_____(CREDITOR) RIGHTS PROCEEDING JUGEMENT DEBTOR EXAMINATION ARS12-1631,
ARS12-1632?**

**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.**