

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-299

Judge:

Complainant:

ORDER

January 13, 2021

The Complainant alleged a justice of the peace improperly allowed the opposing party to appear telephonically and failed to follow the law in a civil case.

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 January 13, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-299

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.

Though this may be your job. Thank You for listening to my complaint. I will make it simple & will give you what ever documentations you need to prove what I am saying.

1. From day 1 I told the Judge I object to this case being telephonic. If I have to be here they need to be here. I have the right to face my accuser. The Judge stated that with the first time we get together he needs to decide if we are going to have a court case or not. I said I understand & that makes since. I also stated that the next time we go to court they need to be here as well. The next time we had a court date, same thing. Telphonically done. I objected & the Judge said I will make a note of that & did nothing. Then we had another hearing & we had to wear a mask. I wore a mask & so did the other people in court waiting for their turn. Again telephonic call, I objected again & the Judge again said he will note it. I then stated I wanted it on record because he is violating my rights. He then stated I'll make a note of your objection and we proceeded with the case.

2. All of the evidence I presented I felt as though the Judge was not listening. The other attorney kept bringing up Arizona Revised Statues stating a person who has a credit card is suppose to pay it back. I kept saying there is no evidence that shows _____ & I had / have any privy. They have a bill of sale that states they have purchased a bunch of junk debts but my name was not on that bill of sale and all of the documents that they presented were hearsay. There is no proof of authenticity. I stated all of this, I also Stated Rule of Evidence 901 Authenticating or Identifying Evidence. (a) In General. To satisfy the requirements or authenticating or identifying & Rules of Evidence 803(c). Also brought up Rule 56 of the Rules of Civil Procedure. Which states that a court should only grant Summary Judgement if the moving party shows that there is no genuine issue of material fact. Here in this case there are disputes over material facts as stated partially above. The Judge didn't follow that direction & gave them the case. I then filed a Motion For Reconsideration. I stated that the court was not following the rules as stated above. The Judge then stated he was waiting for me to say this was not my debt. I then stated I have been telling you this from the beginning. He then stated, "

_____". I got a notice in the mail today (_____) and the Judge has not changed his decision even after I appeared in court without the Judge or the Attorney. I reminded him of the Rules of Evidence but that didn't change his mind. I fell that the Judge is not doing his job, surely not following the laws. That is why I am filing this complaint today. Thank You for your time.