

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-355

Judge:

Complainant:

ORDER

March 24, 2021

The Complainant alleged a justice of the peace was biased against him, engaged in improper demeanor, and made erroneous rulings in an eviction 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 Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 24, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

20-355

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 ATTACHED STATEMENT.

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COMPLAINT AGAINST A JUDGE

Name: _____

Judge's Name: _____

Recently, I attended an eviction judgment (Forcible Detainer/Special Detainer) in the _____, under _____ Judge _____ against my Tenant _____; case _____

My tenant eviction case was lost for several reasons:

1. Improper service by the _____ department. The _____ department attempted physical service, I was informed by the _____ department, () times and was unsuccessful, and they failed to leave a notice on Tenant's door.
2. _____ Executive Order _____". This moratorium was replaced _____ by the _____ ban.
3. The _____ new Federal eviction ban was presented by the Judge, but the tenant does not qualify under their guidelines.
4. Arizona Residential Landlord and Tenant Act, ARS 33-1368. Judge stated Notice to Pay or Quit given to Tenant and attached as part of the Forcible Detainer/Special Detainer, should have been completed in _____ rather than _____ even though there is no time requirement in the Act; I could have given _____ if I so chose to.

Finally, the tenant repeatedly texted she would pay, then texted she was having financial difficulties, then texting she was moving/not moving. I gave the tenant opportunity to pay her _____ rent, and now it is _____ and she has failed to pay both _____ and _____ rents.

Concerns:

1. I feel the Judge was biased based upon appearance of dress between Plaintiffs and Defendant.
2. Judge using dramatic threat techniques e.g. waving Executive Order stating, " _____"! _____"
3. Unfairly using _____ order entitled, " _____".
4. Executive Order _____ moratorium extended in late _____ expired in _____ so why is the Judge bringing it into the case? It is non-applicable to the case.
5. The Judges' waving of both the Executive Order and Residential Landlord and Tenant Act gave the appearance of " _____" or scare tactics.
6. He spoke with female defendant with soft demonstrative care vs. his inflexion and tone with Plaintiffs which was loud, forceful and rude.
7. Made me feel as though I was the one who should be the Defendant rather than the Plaintiff.

COMPLAINT AGAINST A JUDGE

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Name:

Judge's Name:

8. Judge did not ask tenant whether she had proof of hardship or written paperwork showing her attempt(s) to secure a rental payment plan with the Landlords, or if she sought assistance through either the Arizona Housing Authority or other rental assistance aid as is specified in the moratorium. It became clear his lack of questioning the tenant showed favoritism.
9. The Judge inaccurately read rental agreement to start on the as was well documented/detailed in the body of the Rental Agreement and mistook the document creation date of the as the starting date for purposes of filing a Forcible Detainer/Special Detainer; this became an issue as well.

The Judge also made exceptions to the way handles evictions without details, which, makes no sense to me since the State of Arizona has a Residential Landlord and Tenant Act. He quoted from the Act as he explained how as Landlords we failed to follow the rules for filing the eviction, but yet did not follow the rules in the Landlord and Tenant Act and the I find that hypocritical.

Lastly, the Judge made comment after I left the courtroom to the effect of holding me in contempt, fine and/or imprisonment for leaving, although the other Landlord remained in attendance. He was in starting the proceedings, and after observing his behavior and listening to what sounds like chicanery; I decided it best to let the other Landlord handle the case completion/final judgment before I voiced my opinion(s) about him. He treated the Defendant with impunity, and chose to dismiss the case for what he claims was a procedural filing error, one of which the department was responsible for.

In conclusion, if the Judge wanted to dismiss the case for improper filing, then he should not have given the Defendant opportunity to make the decision to continue the case; that was a " " to the Plaintiffs. His decision to dismiss the case was made before the case began. To date, the rent has not been paid, and now the tenant is delinquent in paying rent, yet continues to remain in the premises.

Are there two separate legal guidelines for the State of Arizona where Counties make their own rules for evictions and ignore both State Residential Landlord and Tenant Acts and Federal Eviction ban rules as well?

I submit this complaint against this Judge because I question whether or not he complied with the law, and I question his Code of Judicial Conduct that appears to compromise his integrity, and impartiality. In my opinion he undermined my confidence in the judiciary system; a system that is showing itself to have its own inherent issues in the community at large.