

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-101

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Judge:

Complainant:

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**ORDER**

August 23, 2024

The Complainant alleged improper legal rulings by a justice of the peace pro tem hearing an eviction action.

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 Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 23, 2024.

From:

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

**COMPLAINT AGAINST:** Judge Pro Tem

Court, regarding  
which consisted of three hearings:

**COMPLAINANT:**

Dear Arizona Commission on Judicial Conduct,

My -year-old son recently did something dishonest. I had to take away a privilege, and as I was doing so, I told him I didn't want him to grow up to be like

That sounds harsh until you learn that my son (who has special needs) and I are currently living in a hotel room as a result of signature.

I'm filing a complaint of judicial misconduct by , who is a Judge Pro Tem at the Court ( ).

I was recently involved in a case in which presided. I believe that his actions during the proceedings were unethical.

I appealed the ruling.

During the hearings, I observed what I believe were violations of the following rules:

**Rule 2.1 Impartiality and Fairness**

**Rule 2.5 Competence, Diligence, and Cooperation**

**Rule 2.6 Ensuring the Right to Be Heard**

**Rule 2.12 Supervisory Duties**

I request that the Commission read this complaint in its entirety and examine the exhibits. It's important to understand the background of the case to fully understand my complaint.

did not appear prepared with the details of my case, as he made such statements as, “

” ( transcripts, p. 7, line 13) and “

’ ( transcripts, p. 8, line 20)

There was no way I had a chance at fairness because of that.

I formatted this complaint in the following way:

**BACKGROUND OF THE CASE**

**RULE VIOLATION EXAMPLES**

**EXHIBITS**

**BACKGROUND OF THE CASE**

In \_\_\_\_\_, (“Plaintiff”) \_\_\_\_\_ represented by attorney \_\_\_\_\_, brought an Eviction Action against “Defendant” \_\_\_\_\_ for alleged “unauthorized occupancy” by me, \_\_\_\_\_.

I resided at \_\_\_\_\_ (called \_\_\_\_\_ as of \_\_\_\_\_ since \_\_\_\_\_).

All leases from \_\_\_\_\_ to \_\_\_\_\_ listed my minor child and me as lessees. My mother,

, was cosigner on all leases from to .  
lived out of state and never lived at the property.

In , my lease was up for renewal. was managing the property on behalf of owner ( out of ), who continues to own the property to this day.

At the time the lease was up for renewal, my minor child and I were out of state, visiting , who had . The property manager at the time was aware of the situation, and we kept in touch via email.

- On , I signed the lease.
- On , a manager from signed the lease. Above the manager's signature line was written, "  
"
- On died. She never signed the new lease.

The lease, which was signed by on behalf of owner , contained a misprint. This particular lease had the name of , but left off the names of my minor child and me.

The lease only had my signature and initials. It did not have signature or initials.

The circumstances at the time were extenuating, but the previous management company accepted the lease as it was. I had "grief brain" at the time (anyone who has lost a loved one knows what that is.) The parties' intent could easily be interpreted by looking at "evidence of prior negotiations" (i.e., any of the previous lease agreements since .) (See precedent set in *Taylor v. State Farm Mut. Auto Ins. Co., 175, Arizona at 148*).

I relied on the performance of the lease. Both property management companies (first \_\_\_\_\_, then \_\_\_\_\_) were aware that \_\_\_\_\_ had died, and both accepted federal Covid-related Emergency Rental Assistance payment on the lease, in the name of \_\_\_\_\_, from \_\_\_\_\_ through \_\_\_\_\_.

On \_\_\_\_\_, I complained about my car being towed to property manager \_\_\_\_\_. It was only after this conversation that \_\_\_\_\_ retaliated by telling attorney \_\_\_\_\_ that I was an “unauthorized occupant.”

On \_\_\_\_\_, Plaintiff/Appellee’s attorney, \_\_\_\_\_ sent me a 10-day notice of “unauthorized tenancy,” but he did not file an eviction action until \_\_\_\_\_. (I suspect the delay was due to his being on probation with the \_\_\_\_\_ at the time, for having filed bad evictions against CARES Act recipients.)

These events led to three justice-court hearings before Judge Pro Tem \_\_\_\_\_: 1) A “Ten-Day Notice Hearing” on \_\_\_\_\_, 2) An “Unauthorized Occupancy Hearing” on \_\_\_\_\_, and 3) a “Motion to Stay” hearing on \_\_\_\_\_. Transcripts are included for all hearings. I will refer to these hearings by their dates.

## **RULE VIOLATION EXAMPLES**

**Rule 2.1 Impartiality and Fairness:** A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

1. To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.



**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.**