

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 24-111

---

Judge:

Complainant:

---

**ORDER**

July 30, 2024

The Complainant alleged improper legal rulings by a justice of the peace hearing an injunction against harassment.

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 Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 30, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-111

**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.

Judge \_\_\_\_\_ violated Rule 31, Service of Protective Orders, when she authorized Service by Publication, which is not an accepted form of service for an Injunction Against Harrassment. Judge \_\_\_\_\_ lacked knowledge and compentency as a Judge on the Rules of Service. This violated the defendant's rights and placed the defendant in the position to unknowingly violate the Injunction Against Harrassment which could have led to the unlawful arrest of the defendant. Attached is the Civil Minute Entry where she authorized Service by Publication. It should be noted the finding of Service by Publication was reversed by \_\_\_\_\_ County \_\_\_\_\_ Court.

County Consolidated

Court Case Number

COUNTY

COURT

PLAINTIFF(S):  VS. DEFENDANT(S):	<b>CIVIL MINUTE ENTRY</b>	CASE NO.
	PLAINTIFF'S ATTORNEY:	
	DEFENDANT'S ATTORNEY:	

COURT DATE:	TIME:	HEARING TYPE:
PLAINTIFF: <input type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> By Counsel
DEFENDANT: <input type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> By Counsel

The Court, being fully advised in the premises, finds Plaintiff \_\_\_\_\_ entitled to recover by complaint.

Accordingly, IT IS ORDERED THAT

A Writ of Restitution (Order of Eviction) may be issued on \_\_\_\_\_ and is effective immediately upon being served.

**NOTICE TO DEFENDANT**

Pursuant to §12-1178(E), as amended, provides that a defendant who is lawfully served with a writ of restitution and who remains in or returns to the dwelling unit or remaining on or returns to the mobile home space or the recreational vehicle space without the express permission of the owner of the property or the person with lawful control of the property commits criminal trespass in the third degree pursuant to section §13-1502.

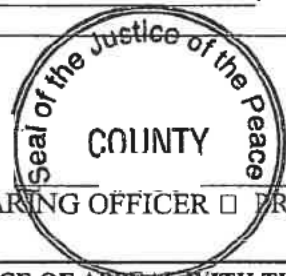
Judgment in the sum of \$ \_\_\_\_\_, late fee \$ \_\_\_\_\_, Court costs \$ \_\_\_\_\_,

Attorney fees of \$ \_\_\_\_\_, and an \* interest rate of \_\_\_\_\_% to be entered for \_\_\_\_\_ and against \_\_\_\_\_, plus \$ \_\_\_\_\_ per day from \_\_\_\_\_ until premises are vacated.

Default  
 Confession  
 Dismissal  with prejudice  without prejudice be entered as to \_\_\_\_\_  
 Bond on Appeal \$ \_\_\_\_\_  
 Continuance

Plaintiff's Motion for Alternative Service is: *Waived*

DATED: \_\_\_\_\_ JUSTICE OF THE PEACE  HEARING OFFICER  PRO TEM



**ALL PARTIES IN ANY CIVIL CASE HAVE THE RIGHT TO APPEAL BY FILING A NOTICE OF APPEAL WITH THE TRIAL COURT WITHIN (14) CALENDAR DAYS AFTER THE ENTRY OF THE ORDER, RULING, OR JUDGMENT APPEALED FROM, EXCEPT IN AN EVICTION CASE THE TIME LIMIT SHALL BE (5) CALENDAR DAYS. THERE NO APPEALS FROM A SMALL CLAIMS JUDGMENT.**

Copy mailed to  Plaintiff  Defendant  Garnishee

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

\* Interest rate shall be at the lesser of ten cent per annum or at a rate per annum that is equal to one per cent plus the prime rate as published by the Board of Governors of the Federal Reserve System.

**BEST COPY**

FILED

[Home Table of Contents](#)

**Rule 31. Service of Protective Orders**  
Arizona Revised Statutes Annotated  
Arizona Rules of Protective Order Procedure  
Effective: September 24, 2022

Arizona Revised Statutes Annotated  
Arizona Rules of Protective Order Procedure  
Part VI. Service and Registration

Effective: September 24, 2022

17B A.R.S. Rules Protect.Ord. Proc., Rule 31  
Formerly cited as AZ ST RPOP Rule 1

**Rule 31. Service of Protective Orders**

Currentness

- (a) Who Can Effect Service.** A protective order can be served only by a person authorized by Rule 4(d), *Arizona Rules of Civil Procedure*, A.R.S. §§ 13-3602(K), 12-1809(S), or 12-1810(S) or as otherwise provided in this rule.
- (b) Expiration of an Unserved Order.** A protective order expires if it is not served on the defendant, together with a copy of the petition, within one year from the date the judicial officer signs the protective order. See A.R.S. §§ 13-3602(N), 12-1809(J) and 12-1810(I).
- (c) Transmission of an Order of Protection.** Upon issuance of an Order of Protection, a court must transmit the documents for service to the appropriate law enforcement agency or constable. The court may accomplish transmission of the Order of Protection and accompanying documents by using a service portal managed by the Administrative Office of the Courts. But if the portal is unavailable for any reason, the issuing court must provide the documents to law enforcement in some other manner. The court must transmit the documents on the same day the Order of Protection is issued, unless the judicial officer makes a finding on the record that extraordinary circumstances exist. If the judicial officer delays service because of extraordinary circumstances, the judicial officer must indicate a time, not to exceed 72 hours, by which the court must transmit the order to the appropriate law enforcement agency or constable for service.
- (d) Certification Not Required.** There is no requirement that the copy of the order served on the defendant be certified.
- (e) Service of a Modified Order.** The service and registration requirements applicable to the original protective order also apply to a modified protective order.
- (f) Acceptance of Service.** A defendant may sign an acceptance of service form, which has the same effect as service. If the defendant refuses to sign an acceptance of service form, the judicial officer may have the defendant served in open court. In superior court, the minute entry must reflect the method of service that was used.
- (g) Service in Court.** If the defendant is present in court and refuses to sign an acceptance of service form, the judicial officer must have the defendant served in open court by a person specially appointed by the court. A judicial appointment to effectuate service may be granted freely, is valid only for the service of the protective order or modification entered in the cause, and does not constitute an appointment as a registered private process server. A specially appointed person directed to serve such process must be a court employee who is at least 21-years old and cannot be a party, an attorney, or the employee of an attorney in the action whose process is being served. If such an appointment is entered on the record, a signed order is not required provided a minute entry reflects the special appointment and the nature of service.
- (h) Service at the Scene.** If a defendant is physically present with the plaintiff and has not yet been served, a peace officer may be summoned to the scene and may use the plaintiff's copy of the protective order to effect service on the defendant.
- (i) Filing the Proof of Service.** Proof of service must be promptly filed with the clerk of the issuing court as soon as practicable after service but no later than 72 hours, excluding weekends and holidays. Proof of service may be submitted by facsimile, electronically, or in person. See A.R.S. §§ 13-3602(P), 12-1809(L) and 12-1810(K).

**Credits**

Formerly Rule 1 in part, added Sept. 5, 2007, effective Jan. 1, 2008. Amended Sept. 16, 2008, effective Sept. 26, 2008. Adopted on a permanent basis effective Sept. 3, 2009. Amended Aug. 30, 2012, effective Jan. 1, 2013. Renumbered Rule 31 and amended Aug.

27, 2015, effective Jan. 1, 2016. Amended Sept. 2, 2016, effective Jan. 1, 2017; Aug. 27, 2019, effective Jan. 1, 2020; amended on an emergency basis Aug. 25, 2021, effective Sept. 29, 2021, adopted on a permanent basis effective Jan. 1, 2022; amended on an emergency basis Aug. 29, 2022, effective Sept. 24, 2022, permanently adopted Dec. 8, 2022, effective Jan. 1, 2023.

17B A. R. S. Rules Protective Order Proc., Rule 31, AZ ST RPOP Rule 31

State Court Rules are current with amendments received through November 15, 2023. The Code of Judicial Administration is current with amendments received through November 1, 2023.

---

**END OF DOCUMENT**