

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-179

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Judge:

Complainant:

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**ORDER**

November 22, 2024

The Complainant alleged bias and ex parte communications by a justice of the peace hearing 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 judge was required to appear before a panel of Commission members to address the allegations of the complaint, as well as the appellate court ruling which reversed the judge's ruling and discussed her improper ex parte communications. The judge acknowledged her errors, demonstrated introspection, and discussed ways in which she could improve in the future. While the Commission found that the judge's conduct at the hearing was improper under 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).

Commission member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 22, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2024 - 179**

**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.

This complaint arises from a justice court civil case for the collection of a medical bill.

A lawsuit was filed in the Justice Court by against  
The medical clinic was represented by attorney, (the present complainant).  
The Defendant, did not have an attorney. After receiving a copy of the lawsuit and  
a request to waive service of process from attorney said the principal  
amount of the medical bill but refused to pay the medical clinic's attorney fees and court costs.  
Therefore, the lawsuit continued. The court set the matter for a pretrial conference where attorney  
appeared by telephone and defendant was present in-person. At the  
pretrial conference the court was advised by attorney and defendant  
that the remaining issue of dispute was only the costs and attorney fees. The judge heard from the  
parties; from attorney as to the amount of time he and his assistant had put into this matter;  
and from as to why she had not paid the bill to begin with.

Judge then rendered her decision and entered a judgment for \$ n court costs and  
\$ in attorney's fees. Attorney then signed off the call and Judge said "  
" See, Transcript ("Tr") pg. ln.

Attorney later discovered from a review of the tape recording of the hearing that  
Judge continued talking for over six minutes with defendant who was still  
present in the courtroom. It is this *ex-parte* conversation that is the substance of the present  
complaint.

A certified transcript of that conversation is attached. A copy of the audio from the hearing  
is also provided. There are several violations of the Judicial Canons arising from that conversation,  
specifically Rule 2.9 Ex Parte Communication.

Rule 2.9 prohibits a judge from communicating with a party unless the other party (or  
counsel) is present. There are some exceptions but none apply here.

This *ex parte* communication is compounded by the Judge giving legal  
advice about how and when to pay the judgment; her credit reports; and sealing the judgment.  
(Transcript pp.

This *ex parte* communication is also compounded by Judge telling  
that she was only giving attorney fees for half an hour of his legal assistant's time and nothing  
for his time. Specifically stating that the assistant prepared the complaint, "  
Thus implying attorney spent no time in getting this debt resolved nor in supervising his  
assistant. (Transcript p. lines . This is an implication that attorney violated an  
attorney's obligation under Supreme Court Rule ER 5.1(a) and E.R. 5.3 imposing a duty to supervise  
non-attorneys. The conduct implied by the court, if true, is sanctionable. See, *In re Matter of  
Galbasini*, 163 Ariz. 120, 121, 786 P.2d 971, 972 (1990) (adopting recommended six-month  
suspension of attorney for knowingly failing to supervise non-lawyer employees who engaged in  
debt collection practices).

Judge even goes so far as to comment about the Plaintiff medical clinic not giving  
Defendant enough time to pay the debt before being sent to collections when she  
has no factual background to base it on. (Transcript p. lines

Finally, Judge \_\_\_\_\_ actions and apparent effort to be empathetic with defendant position as a young mother comes across as being bias and prejudicial towards the Plaintiff medical clinic and at a minimum, lacks being fair and impartial as every judge is required to be. These are all requirements of the judge under Rules 1.2, 2.2 and 2.3 of the judicial canons.

I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the foregoing complaint are true.

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IN THE JUSTICE COURT  
COUNTY, ARIZONA

Plaintiff,  
vs.  
Defendant.

Case No.:

TRANSCRIPT OF TAPE-RECORDED PROCEEDINGS

Before: Honorable

Date:

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APPEARANCES:

For the Plaintiff: Counsel (via  
telephone)

For the Defendant: pro se (in  
person)

Telephone:

**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.**