

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-212

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Judge:

Complainant:

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**ORDER**

September 10, 2024

The Complainant alleged a justice of the peace pro tem denied the presentation of expert testimony and evidence and made improper rulings in a small claims 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 members Roger D. Barton, Louis Frank Dominguez, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 10, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**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.

A judge is seated to form a fair and just opinion through carefully weighing "ALL THE EVIDENCE". As we were sworn in and seated, stated that he "I had put together 4 pages of testimony and 12 evidentiary exhibits, demonstrating my side of the case, that the vicious barking of the defendants dogs, raised the anxiety levels in my dog, causing another I also presented an expert, telephonically, that previously lived in and personally observed my dogs reaction to defendants irresponsible behavior and the vicious barking of her dogs. My expert has years veterinary experience and over years experience as a registered nurse, current, (# expires: ). She volunteered at the while living here in refused my experts testimony based on her not continuing her career in veterinary medicine.

FACT: neighbor, used to take the same medication ( ), in the same dosage as my dog. is now and has had to change her medication as her increased. My exhibit #6, veterinarian graduate stated in her article, didn't give any weight to the fact that I had taken my dog back to Doctor to re-evaluate her medication requirements, that if not proactive, could result in the death of my dog. When I took my dog to Doctor she asked me the million dollar questions on what happened to cause the just as a doctor asks you, " ? felt that it was Doctor just re-writing what I had conveyed and gave no weight to to her testimony. First of all, thank god the medication was not increased. Second, is not a simple psychological disorder, as believes, but a neurologic medical condition effecting millions of people as well as pets to which, there is no cure.

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The defendant presented evidence from a \_\_\_\_\_ that was dated \_\_\_\_\_ specifying \_\_\_\_\_ plaintiffs condition whom he hadn't seen in over \_\_\_\_\_ years. This is very suspect to me as I've witnessed \_\_\_\_\_ behavior beyond the scope of the alledged disability. Defendant presented 3 witnesses, two of her sisters and a neighbor that use to live across the street, which all lied through their teeth.

My priority is in giving my dog the best life I can, while the defendant has knownly taken away the use of my backyard is frustrating to say the least. Defendant is in contempt to \_\_\_\_\_ order, " \_\_\_\_\_ ", dogs running and barking amuck. Defendant is now trying to convince any neighbor that will listen that she is so disabled, even convincing people to do her "dirty work".

As would have it, my car has been keyed all the way down the passenger side, police report # \_\_\_\_\_

On \_\_\_\_\_, video observed, plaintiff retrieving individual from down the street to come back with her and \_\_\_\_\_ individual attempted to break the rear window on my car. I don't expect Chief \_\_\_\_\_ people to make an effort on this insignificant "small crime" per typical response from the \_\_\_\_\_

a rerun: To quote Judge \_\_\_\_\_ : " \_\_\_\_\_ " and to quote myself, ' \_\_\_\_\_ '.

***In The Justice Court,***

*County of*

*State of Arizona*

***Precinct***

*Precinct*  
*Justice of the Peace*

*Precinct*  
*Justice of the Peace*

**CONFORMED**

Plaintiff

vs

CASE #

Defendant

**MINUTE ORDER**

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This matter came on for a Small Claims Hearing this day before the Honorable Pro-  
Tempore. Both Plaintiff and Defendant were present in person.

Testimony heard in today's hearing clearly indicates a situation of neighbors clashing with one another, manifesting in complaints of about the Plaintiff parking his vehicles in front of the Defendant's house and counter complaints of excessive dog barking coming from the Defendant's property. Although both parties admit that parking in front of any particular house on a public street is generally not a violation of law. Likewise, both parties admit that dogs often bark as a means of canine communication as well as alerting to movement of others around their property. The question the court must wrestle with is, does the parking and/or the dog barking rise to the level of violation of law or create other negative aspects which unreasonably injure the peace and tranquility that is typical in a residential neighborhood and more specifically, between neighbors.

During the hearing, both parties acquiesced that the parking concern is no longer an issue as both have learned the parking on public streets is not regulated (in their neighborhood). Regarding the second matter of excessive dog barking, the court heard conflicting testimony from the parties and the witnesses. The testimony tended to indicate that the amount of barking from the Defendant's dogs seems to be typical of the majority of the other dogs in the neighborhood (several claiming there to be a lot of dogs in the area and even one witness indicated that "everyone" in the neighborhood has dogs). The court recognizes this latter statement may be an overstatement.

The Plaintiff raised the claim that he believes that as a result of the Defendant's dogs' excessive

barking, that his dog is now too afraid to go into his own backyard and the barking has even caused his dog to develop \_\_\_\_\_ as a result of the stress caused by the barking of the Defendant's dog. The Plaintiff presented a witness (telephonically) who is medical nurse (unconfirmed) who worked as a veterinary assistant some \_\_\_\_\_ years ago. Her testimony was that the stress of the barking dogs was likely the cause of the \_\_\_\_\_. Little weight was given to the testimony of this witness as she did not establish that she was an expert in veterinary medicine or canine medical/psychological disorders. The Plaintiff also provided evidence in the manner of an invoice for treatment for his dog. On this invoice, the attending veterinarian documented what the Plaintiff told him regarding the Plaintiff's belief that the barking was the cause of the \_\_\_\_\_. Little weight was given to the veterinary invoice as the documentation did not rise to the level of a diagnosis of a medical or psychological disorder attributed to the barking of the Defendant's dog.

The Defendant testified that she is working diligently towards teaching her dogs to not bark as much and offered proof of her purchasing and using no less than three different types of bark training collars. The Defendant did, however, indicate that she feels that some of the collars are too severe, almost cruel to the dogs.

In order to help mitigate some of her dogs barking at the Plaintiff's fence line, the Defendant has offered to install an inner-yard barrier or fence that will keep her dogs further away from the Plaintiff's fence line. Plaintiff agreed that this may help.

With Defendants stated commitment to continue in working to reduce the amount of barking from her dogs and the offer to install an inner-yard barrier, it is clear that the Defendants' statements indicate that she is willing to work towards reducing the level of her dogs barking. It is hoped that the parties will continue to work towards the common goal of restoring peace between themselves.

**IN CONCLUSION, IT IS ORDRED:** Finding in favor of the Defendant. Each party will assume their own court costs. The Court takes no further action in this matter.

**DONE THIS      DAY OF**

\_\_\_\_\_  
Justice of the Peace Pro-Tempore

A copy of the foregoing sent this  
\_\_\_\_\_ Day of \_\_\_\_\_ to:

All parties  
File  
By: \_\_\_\_\_

allow most dogs with to resume normal lives. ation schedule—by making sure medications are given on ad—is crucial to successfully managing —along

6

ents may be necessary depending on the specific an prescribed. Some dogs may require medication akthrough occur.

2s

## What can trigger a dog's ?

Stress is the most reported trigger of in pets. If you think you have identified a possible trigger, discuss it and any possible alternative options to avoid it with your veterinarian.

## How long can dogs live with ?

dogs can live relatively normal lives and lifespans, provided their are well controlled.

## What age does start in dogs?

Dogs will typically have their first between the ages of 6 months and 5 years.

## References

Heske L, Berendt M, Jäderlund KH, Egenvall A, Nødtvedt A. Validation of the diagnosis canine in a Swedish animal insurance database against practice records. Preventive Veterinary Medicine. 2014;114(3-4):145-150.

Lorenz MD and Kornegay JN. Handbook of Veterinary Neurology. 4th edition. Elsevier Saunders, 2004.

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WRITTEN BY  
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Veterinarian

Dr. Veronica Higgs is a 2010 graduate from Auburn University College of Veterinary Medicine. She then completed a 1-year rotating...

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THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**