

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-248

Judge:

Complainant:

ORDER

October 11, 2024

The Complainant alleged a justice of the peace was biased and failed to follow procedure in a contract 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 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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 11, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024 - 248

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

HON.

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.

RULE 1.2. Promoting Confidence in the Judiciary

The judge failed to promote confidence in the judiciary system from the very beginning of the trial. The judge started by asking the plaintiffs lawyer, " I was not aware that there would be no swearing in and that the lawyer for the plaintiff would be able to dictate the hearing. It was evident that I had submitted a substantial amount of documentation, yet it appeared the judge had not reviewed it thoroughly. Multiple errors and lost paperwork were admitted by the court, resulting in the initial ruling being reversed prior to this hearing. It felt like I was sending documents to a mailbox that was never checked.

During the hearing, I repeatedly referred to these documents, but the judge said very little and did not acknowledge anything. Towards the end of the hearing, it was apparent that the judge was shuffling papers and seemed unaware of all the documents I had submitted. After I spoke, the judge addressed none of my accusations against the plaintiff. Throughout the process, the plaintiffs lawyer did not participate in discovery, which, according to my research, is against the rules of civil procedure. The judge did not address this issue. The plaintiff's lawyer was allowed to disregard the rules set by the court, which the judge was supposed to enforce. Instead, the judge immediately pushed me to accept a settlement offer. During the hearing, you could hear the judge sighing and scoffing throughout both the defendant's and the plaintiff's lawyers testimonies. The judge was rude, condescending, and demonstrated a lack of respect for both parties.

RULE 2.3. (C) Bias, Prejudice, and Harassment

During the hearing, the plaintiff's lawyer made a comment regarding my disability. Specifically, she suggested that if I truly had a disability, I would not have been able to prepare such well-organized documents. The judge did not intervene or correct her inappropriate remark. Furthermore, when I objected and expressed my offense at her statement, the judge remained silent and could be heard sighing on the recording.

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:**

HON.

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.

RULE 2.2. Impartiality and Fairness

Throughout the entire process, I diligently studied the rules of civil procedure and relevant case law. While I may have a disability, it does not make me ignorant. I submitted an extensive amount of documentation, but it feels like it was in vain. Despite adhering to every rule and law, the judge in the hearing did not enforce or appear to review any of the documents I submitted. It is disheartening that a lawyer can enter the courtroom, blatantly disregard the rules of civil procedure, and falsely claim that a settlement was offered prior to the hearing. When I reported the lawyer to the _____ they acknowledged that she could not provide evidence of a settlement offer. However, they decided against disciplinary action, stating that mentioning the settlement during the hearing was acceptable.

I was left dumbfounded after the hearing. I could not believe the unprofessional manner in which it was conducted; I have attended more professional hearings for unemployment. I was baffled that a lawyer could completely ignore court rules and make inappropriate comments without reprimand. Regardless of the plaintiff's accusations, everyone deserves a fair trial, and I do not believe the judge provided me with that.

