

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-310

Judge:

Complainant:

ORDER

December 4, 2024

The Complainant alleged a justice of the peace was unfair and biased in ruling on Complainant's motions.

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 Denise K. Aguilar and Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 4, 2024.

Arizona Commission on Judicial Conduct
1501 W Washington Street Suite 229
Phoenix, AZ 85007
602 452 3200
cjc@courts.az.gov

Dear Members of the Arizona Commission on Judicial Conduct,

Subject: Request for Review of Judicial Conduct – Judge

I am writing to bring to your attention concerns regarding the conduct of Judge _____ in relation to my civil litigation case [_____]. I believe that certain actions taken by Judge _____ may warrant further review by the Commission to ensure that the standards of judicial ethics and fairness are upheld.

Before beginning this letter, I reviewed the Rules of Judicial Conduct and found that these rules warrant further review of Judge _____ questionable and potentially unethical conduct by the commission. The relevant rules include: Rule 2.2 Impartiality and Fairness, Rule 2.3(a) Bias, Prejudice, and Harassment, Rule 2.5(a) Competence, Diligence, and Cooperation, and Rule 2.6(a)(b) Ensuring the Right to Be Heard.

1. Case background

Case type: Landlord and Tenant Dispute - Civil Litigation (Non-Eviction)

I filed a small claims lawsuit on . The defendants, through their legal counsel, requested the case be transferred to regular civil court on . Judge was assigned to the case during the week of . The case was dismissed on and judgment was rendered in the defendants' favor on

2. Judge role in the case

Judge made three separate rulings throughout the proceedings, each of which appears to be interconnected. My concerns primarily arise from the nature of these rulings and how they were handled.

3. Concerns About Potential Unethical Conduct

First Ruling: On , in her initial ruling, Judge incorrectly stated that I was a guest who had never signed any contracts with the defendants. This ruling was based on a non-existent fact, as I was, in fact, a legitimate resident with signed documents. Nowhere in the defendants' documents, nor in my own, is there any indication that I was not a legitimate resident. The only statement claiming I was not a resident came from the defendants' legal counsel, who later acknowledged this mistake in their response to my motion for reconsideration. See Exhibit A.

Second Ruling: On Judge issued a ruling on my motion for reconsideration. She did not address her earlier error and instead claimed, again based on a non-existent fact, that I failed to provide claims and reasons for the award. In reality, I had submitted the necessary statements and receipts. See Exhibit B.

Note: I was unable to locate a copy of the minute entry in my files. Please refer to the court docket for County Consolidated Justice Court, Case No. to access the minute entry dated Secondly, Statements and reasons for the claims are found in the revised definite statement and other statements.

Third Ruling: When the defendants filed a motion for attorney fees and costs on [redacted], I responded on [redacted] requesting a hearing with an [redacted] interpreter due to my skepticism about the written proceedings, given the previous rulings. Despite this, Judge [redacted] did not order the Court to set the requested hearing and did not provide a reason for denying my request for ADA accommodation. In fact, I explained the reasons for requesting the hearing with an [redacted] interpreter, as outlined by Civil Procedure Rule 7 and ADA Accommodation. See Exhibit C.

Note: I have attached a copy of my final response to the Defendant's application for attorney fees and costs, along with an explanation of why the hearing with an [redacted] interpreter was necessary.

4. Request for Review

I respectfully request that the Arizona Commission on Judicial Conduct review Judge [redacted] handling of this case, particularly with regard to the accuracy of her rulings and her response to my ADA accommodation request. My intent in raising these concerns is to ensure that all parties receive fair treatment under the law and that judicial processes remain transparent and just.

I am particularly concerned that Judge [redacted] may not have thoroughly reviewed all documents submitted by the defendants and myself. If Judge [redacted] had reviewed these documents, it seems unlikely that she would have made the erroneous claims regarding my status as a guest and my failure to provide reasons for the award. Therefore, I ask the Commission to conduct an investigation into Judge [redacted] handling of the first two rulings to determine whether a thorough review of the case materials was conducted.

Additionally, I am concerned about Judge [redacted] apparent lack of awareness regarding communication barriers faced by [redacted] individuals and the importance of providing an interpreter. I believe the Commission should take steps to ensure that Judge [redacted] is made fully aware of these critical issues, so that future cases involving individuals with disabilities are handled with the necessary sensitivity and legal compliance. Written communication alone is not the most effective means of addressing the communication needs of [redacted] individuals. I am concerned that Judge [redacted] may not have fully understood my written submissions, as

evidenced by her first two rulings. This concern prompted me to seek accommodations to better address my communication needs.

Thank you for your attention to this matter. I am willing to provide any additional information or documentation that may be required for your review.

Respectfully,

COUNTY CONSOLIDATED JUSTICE COURT

PLAINTIFF(S): VS DEFENDANT(S):	<p align="center">CIVIL MINUTE ENTRY</p> PLAINTIFF'S ATTORNEY: DEFENDANT'S ATTORNEY:	<p align="center">CASE NO.</p> Defendant's Address:
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COURT DATE:	TIME:	PM	HEARING TYPE: Unknown
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

Exhibit A

Defense Motion to Dismiss GRANTED. Plaintiff was a guest of a tenant and never signed a contract with the Defendant, therefore upon her eviction he became an unauthorized occupant and lacks standing to bring this action. Plaintiff's Motion for Default Judgment is MOOT.

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 ARE NO APPEALS FROM A SMALL CLAIMS JUDGMENT. PURSUANT TO RECORDS RETENTION AND DESTRUCTION SCHEDULE, YOUR EXHIBIT(S) WILL BE DESTROYED UPON DISMISSAL, DISPOSITION, OR FINAL APPELLATE RULING WHICHEVER COMES LATER.

Copy/Notification To:	US Mail	Runner Service	Email	Hand Delivered	Telephone / Voice Mail	For Court Use Only
Plaintiff(s)						DATE: _____ BY: _____
Plaintiff(s) Attorney	X					
Defendant(s)	X					
Defendant(s) Attorney						
Garnishee						

**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.**