

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-361

Judge:

Complainant:

ORDER

The Complainant alleged a pro tem justice of the peace used her position for undue influence in filing complaints and acquiring other judges' decision-making processes in trainings.

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. However, the Commission had concerns about the pro tem judge's colleagues from her law office practicing in the same court in which she acts as a pro tem and the appearance of impropriety that could present. Therefore, the Commission approved sending the judge an advisory letter. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton, Colleen E. Concannon, and Cathy Riggs did not participate in the consideration of this matter.

Dated: April 2, 2025

FOR THE COMMISSION

/s/ Christopher P. Staring _____

Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on April 2, 2025.

CONFIDENTIAL

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

Re: (1) _____ County Justice Court pro tem; (2) _____,
 _____ County Justice Court pro tem and administrative pro tem; and
 (3) _____ judicial complaints filed with
 related to judge's substantive decisions and _____ access to eviction _____ and
 their _____ of justice of the peace.

Dear Commission:

My name is _____, and I serve as Justice of the Peace *pro tem*. I write to bring to your attention certain conduct and events that raise significant concerns regarding judicial integrity and fairness and violations of Arizona's judicial code of conduct. Specifically, I have been made aware of two complaints filed against me by attorneys _____ (pro tem) and _____ who represent landlords in landlord/tenant eviction actions in justice court, which were brought to my attention by _____ Pro Tem (APT) _____ who informed me she was investigating the matters.

Incident

On _____, I presided over eviction hearings as a *pro tem* for Judge _____). During the proceedings, a family who was awarded a judgment the day before, appeared in court arguing the same issues related to the judgment that was granted. As I sought to clarify the situation and determine a course of action, I reminded the family they were awarded a judgment the day before and that the justice court is not a place for them to resolve family disputes.

_____ was scheduled next on the docket related to residential landlord/tenant eviction actions. Mr. _____ announced as counsel and abruptly demanded a change of judge. I initially asked for a reason, stopped myself, remembering lawyers have a right to a change of judge as a matter of right but certain things must be on the record. I searched for a rule book to determine the attorney's obligations but a current rule book was not available. I did, however, request _____ cite the rule for his request for the record, which he could not provide. My hesitation with the request was whether the request met the requirements for a change of judge as a matter of right. As I was organizing my thoughts, _____ stated he did not have to give me a reason. I agreed and immediately ordered his cases reassigned. That concluded the matter. The other parties on _____ matters were informed their matters would be transferred to another judge and they would be contacted. The other parties complained

about the “ruling” to the Court staff (which the staff explained there was no ruling) and their matters were simply being reassigned to another judge.

Despite my compliance with his request and failure to comply with the rule and provide relevant information, filed a judicial complaint against me related to the matter, although she was not present at the hearing.¹ is a pro tem for the justice courts. told that sought a transfer because I was unprofessional and I told the previous litigants to get therapy. confirmed I said no such thing, but despite misrepresentations, stated I needed to learn the rules and her tone suggested she was advocating for . I reminded

I knew the rules and I was merely surprised by the request and I could not locate a current rule book to determine the requirements under the rule. told me that when a change of judge is requested, I must grant it. As I tried to explained to , there is more to the rule and the attorney has an obligation to provide additional information, she seemed disinterested. Instead, it appeared was advocating on behalf of then stated “.”² The statement disturbed me and I questioned motivation for making such a statement. As were aware the cases they were discussing were matters pending before the justice court, in which were representing several parties. Shortly after our conversation, sent me a write-up of her “i .” (See Exhibit A)

conduct raises serious concerns, as the complaint was based on a misrepresentation of the events and , a pro tem was allowed to file a judicial complaint despite not being involved in the matter suggests an improper use of the complaint process and impression that she can influence pro tem’s decisions. complaint and statements demonstrate bias and improper statements related to pending matters.

on change of judge in eviction actions

Shortly after judicial complaint against me, a included “’ requests in eviction actions. (a pro tem who represents landlords in eviction actions before the justice courts) and her had pending evictions matters before the justice courts sat in on the eviction training and heard some of the judge’s deliberative process and reasoning related to this topic. provided her own comments. If and members of her firm cannot serve as judges (pro tems) on eviction matters, why are they allowed to participate in eviction training and privy to the deliberative process of judges.

¹ Until recently, I was under the impression that filed this complaint.

² Recently, I have been informed that generally files complaints against pro tems who are . is aware of this pattern.

Incident

In a separate incident on _____ was before me on behalf of _____ representing landlords in residential eviction cases at the _____ Justice Court. _____ was not listed as counsel of record (upper left corner) or a responsible attorney on any paperwork. During his representation, _____ stated he needed to leave, and another attorney would take his place. I asked _____ to file a written notice of appearance later in the day, as well as his colleague and he stated on the record there is no rule that requires him to do so. Instead of providing the court with the requested information, _____ filed a judicial complaint with _____. The complaint was filed and “_____” while the matters were still pending before the justice court. **(See Exhibit B)**

The “_____” raised questions about the substance of my legal decisions and matters still pending before the justice court. During our one (1) hour plus telephone conversation with _____. _____ demanded I explain the basis of my reasoning and decisions to her. I was surprised by the request and when I shared my interpretation of the rules, _____ disagreed and stated _____ interpretation is right. _____ said I had no legal basis to request a written notice of appearance under the law—and not to do it again—or there would be consequences. I explained to _____ that neither she nor _____ are the arbiters of the rules, that would be our appellate courts. _____ asked me to cite legal opinions to support my position and I asked her to cite legal opinions to support her and _____ opinion, since she said they were right. I left that conversation concerned because _____, also a pro tem, is advocating for a _____ who matters are pending with the Court and she is requesting a judge’s deliberative process. _____ said she would follow-up with _____ that the matter has been handled internally. If a letter was sent to _____ a copy was not provided to me.

I have concerns about _____ use of judicial complaints with _____ relating to pending matters before the court and as a tool for influencing judicial decisions, rather than appealing decisions. It creates an impression that certain pro tems and members of their firm can use this unidentified and unknown informal judicial complaint process with _____ to exert undue pressure on pro tems.

Concerns Regarding Judicial Integrity

The actions of _____, along with the handling of these complaints by _____, may undermine the impartiality and integrity of the judicial process. Specifically:

- **Conflict of Interest:** _____, a *pro tem* judge herself, uses her position to file complaints where she has no direct involvement, to benefit her firm. Additionally concerning is _____ role in providing eviction training and/or being allowed to sit in eviction training to hear judge’s reasoning on eviction law that gives her firm an unfair advantage in eviction proceedings.
- **Improper Use of the Complaint Process:** The filing of judicial complaints by attorneys with _____ based on unfounded or misrepresented

facts wastes judicial resources and creates a chilling effect on the ability of judges to perform their duties without fear of reprisal.

- **Inappropriate Influence:** comments suggesting that there would be " ' for interpreting the law as I believed it to be (and not her interpretation or interpretation) is highly inappropriate and raise questions about her impartiality.

Conclusion

The Commission must take these concerns seriously. Judicial independence and fairness are foundational to the integrity of the justice system. The actions of , coupled with the conduct of , create an appearance of influence over eviction rulings and suggest an effort to manipulate judicial outcomes through the judicial complaint process. I respectfully request that the Commission review these matters thoroughly and take appropriate action to preserve the integrity of the judicial system.

Should you require any further information, I remain available to provide it.

Sincerely,

EXHIBIT A

**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.**