

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-375

Judge:

Complainant:

ORDER

December 17, 2024

The Complainant alleged a superior court judge improperly managed her case due to racial bias and discriminatory practices against self-represented litigants resulting in the violation of her constitutional rights and delayed rulings.

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 Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 17, 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.

(See Addendum A), See Exhibit #1, Exhibit #2, Exhibit #3, Exhibit #4, and Exhibit #5.

Plaintiff, **Pro Se**

v.

The Honorable

County Court Judge,

Defendant

ADDENDUM A:

ARIZONA JUDGE COMPLAINT:

Dear Commissioner,

Case No.

Complaint for Discrimination, Civil Rights Violations, and Denial of Due Process

INTRODUCTION

1. Plaintiff , acting pro se, brings this action against Defendant, Judge , for racial discrimination, financial hardship, procedural bias against self-represented litigants, and denial of Plaintiff's constitutional rights to due process and a fair trial. Plaintiff alleges that Defendant rushed to label her case as frivolous and meritless, improperly applied the doctrine of res judicata, and dismissed the case with prejudice, preventing Plaintiff from exercising her legal right to file a personal injury and liability lawsuit. These actions deprived Plaintiff of her civil rights and constitutional protections based on race, financial status, and pro se status.

2. Plaintiff seeks relief for violations of her *Fourteenth Amendment* rights to due process and equal protection, along with compensation for the financial distress caused by Defendant's imposition of excessive attorney fees without due consideration of Plaintiff's financial hardship.

PARTIES

3. Plaintiff is a woman, a single mother, and a resident of County, Arizona. She is a pro se litigant who has suffered financial hardship due to the Defendant's actions and rulings.
4. Defendant, Judge , is a judge of the Court of Arizona in County. As a judicial officer, she is responsible for ensuring that all litigants, particularly self-represented and minority litigants, receive a fair trial and equitable treatment.

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to *28 U.S.C. § 1331* (federal question jurisdiction) and *42 U.S.C. § 1983*, as Plaintiff's claims arise from violations of her constitutional rights under the *Fourteenth Amendment*. The Court also has jurisdiction over state law claims pursuant to *28 U.S.C. § 1367*.
6. Venue is proper in this Court pursuant to *28 U.S.C. § 1391(b)*, as the events giving rise to the claims occurred in a County, Arizona, and Defendant resides and acts in her official capacity in this district.

FACTUAL ALLEGATIONS

7. Plaintiff initiated a civil case against and its agents, alleging negligence, discriminatory practices, and violations of the *Fair Housing Act (42 U.S.C. §§ 3601-3619)* (*See Plaintiff's Original and Amended Filed Complaints*).
8. Throughout the litigation, Defendant denied Plaintiff her constitutional rights to due process and a fair trial by consistently displaying bias and prejudice against Plaintiff as a

pro se litigant. Defendant failed to provide Plaintiff with the flexibility and equitable treatment typically afforded to self-represented litigants, as established in *Haines v. Kerner*, 404 U.S. 519 (1972).

9. Defendant imposed attorney fees and costs in excess of [redacted] against Plaintiff, despite clear evidence of her financial hardship, which had been documented and recognized by the court (*See Exhibit 2 - Financial Affidavit*). This excessive award caused Plaintiff severe financial distress and violated her due process rights by imposing a financial burden without proper consideration of the economic disparity between the parties (*See Warner v. Swisher*, 119 Ariz. 407 (App. 1978)).
10. Defendant ignored the abusive legal tactics employed by the Defendants and their counsel, [redacted], who have a history of exploiting legal loopholes and using the court system to harass and retaliate against individuals. Defendant's failure to address these unethical practices allowed [redacted] and the Defendants to abuse their power, escalating their discriminatory and retaliatory behavior toward Plaintiff.
11. Defendant improperly applied the doctrine of res judicata, rushing to label Plaintiff's case as frivolous and meritless without fully reviewing the evidence and facts of the case. This hasty dismissal reflects judicial bias and violated Plaintiff's due process rights. The doctrine of res judicata was wrongly invoked because the claims Plaintiff raised in her case were new and involved additional facts and circumstances that had not been previously adjudicated. By prematurely dismissing Plaintiff's case, Defendant deprived Plaintiff of her constitutional right to a meaningful hearing.
12. Defendant dismissed Plaintiff's case with prejudice, preventing Plaintiff from exercising her legal right to file a separate personal injury and liability lawsuit. Under *Rule 41(b) of the Arizona Rules of Civil Procedure*, dismissal with prejudice should be used sparingly and only when the merits of a case have been fully adjudicated. In Plaintiff's case, the claims for personal injury and liability had not been fully addressed, and thus, the dismissal with prejudice was improper. (*See Johnson v. United States*, 460 U.S. 1207 (1983), emphasizing the right to pursue claims unless they have been fully litigated.)
13. By labeling Plaintiff's case as frivolous without a thorough examination of the merits and dismissing it with prejudice, Defendant violated Plaintiff's right to procedural fairness and

denied Plaintiff the right to pursue legitimate legal claims. Courts must provide pro se litigants with the opportunity to present their cases fully before reaching a judgment, as established in *Goldberg v. Kelly*, 397 U.S. 254 (1970). Plaintiff's case involved substantive issues regarding retaliation and discrimination, which were not frivolous and warranted full judicial consideration.

14. By denying Plaintiff her right to a fair trial and failing to hold [] and the Defendants accountable for their abusive legal tactics, Defendant empowered the Defendants to continue their harassment, including most recently Plaintiff has felt a victim of threats to place a lien on her home as retaliation for pursuing legal action (*See Exhibit 3 - Retaliation Notice*). This ongoing misconduct violated Plaintiff's due process and equal protection rights under the Fourteenth Amendment.
15. Plaintiff's attempts to submit motions to strike were disregarded, and her efforts to seek reconsideration of the dismissal of her case were summarily denied without full consideration of the tortious conduct and civil rights violations committed by the Defendants (*See Minute Entry dated September 11, 2024*).
16. Plaintiff believes that Defendant's rulings were influenced by racial bias, as her claims as a [] woman in [] County were not given the same weight and consideration as those of wealthier, represented litigants. This resulted in a denial of Plaintiff's rights to a fair trial and due process under the law.

CAUSES OF ACTION

Count I: Violation of Due Process (42 U.S.C. § 1983)

17. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.
18. Defendant's actions in denying Plaintiff equitable treatment, failing to consider her financial hardship, and dismissing her claims with prejudice without proper consideration constitute a violation of Plaintiff's right to due process under the Fourteenth Amendment to the U.S. Constitution.

Count II: Denial of the Right to a Fair Trial (42 U.S.C. § 1983)

19. By disregarding Plaintiff's claims and enabling the Defendants' retaliatory actions and abusive

**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.**