

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-405

Judge:

Complainant:

ORDER

January 24, 2025

The Complainant alleged a justice of the peace entered improper rulings and was biased in an eviction action.

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 Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 24, 2025.

2024-405

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.

-The transcript is attached. EXHIBIT C
1) I requested for my witnesses to be able to attend trial so they could be cross examined and Judge denied the motion in Exhibit A.
2) I attached exhibits to prove that the process server could not possibly have been able to serve me as stated and the exhibits were excluded by Judge in Exhibit A.
3) ARS 13-3368B the Landlord is to give a 5 day notice to cure.
4)ARS 33-1313 Notice "in the case of the tenant, it is delivered in hand to the tenant or mailed by registered or certified mail to him at the place held out by him as the place for receipt of the communication"
5)Exhibit B is the 5 day notice for and that Judge had in her hand at the trial. Each one said left at door which is in violation of ARS 13-3368B and ARS33-1313.
6) RPEA 13(2) Determine whether the tenant or occupant of the premises received proper termination notice if one was necessary, and was afforded any applicable opportunity to cure. If the notice does not comply with the statute or is not properly served, the court shall dismiss the action.
7) Judge was made aware that the 5 day notice to cure was in violation of the above statutes and per RPEA the law stated she must dismiss the case. Judge stated that indicated that she received "a notice". Attorney read the same statute ARS 33-1313 but only received the first half but left off the second half that indicated that the Landlord must serve the tenant in hand or by certified mail which was the next paragraph. Judge also failed to address that Attorney falsified information on the complaint that stated that the Landlord personally served when it shows that it was left on the door. In the same hearing, would request that the counterclaim be stricken because the Plaintiffs weren't provided proper notice, and not providing habitable living conditions don't meet statutory requirements. Judge agreed.
8)RPEA 11 1) If the defendant appears and contests any of the factual or legal allegations in the complaint or desires to offer an explanation, the judge should determine whether there is a basis for a legal defense to the complaint either by reviewing a written answer filed pursuant to Rule 7 or by questioning the defendant in open court. If the court determines that a defense or proper counterclaim may exist, the court shall order a trial on the merits. Exhibit E. ARS 33-1324. Landlord to maintain fit premises is a proper counterclaim and holding a trial would have shown that because had filed a lawsuit against the Plaintiff on as attached for Judge to see as well as filed a complaint with the City of for non compliance, the Plaintiffs were filing a retaliatory eviction which is prohibited per ARS 33-1491. In addition it was a double standard for Judge to allow the grant the striking of the counterclaim by saying it didn't meet statutory requirement because the Plaintiff didn't receive the correct notice but in the same sentence stating as long as received "a notice" compliance with ARS 33-1313 was practically irrelevant.
10) Prior to the hearing ending, asked for an explanation for Judge decision and she refused to provide a rationale but stated that it would be in her decision, as attached in EXHIBIT A, there isn't an explanation.



COMPLAINT AGAINST A JUDGE

Name: Judge's Name:

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10) Court Administrative Order required Judge to inquire about the rental assistance agreement. She failed to ask any questions about the rental assistance agreement at all. When filed a motion for reconsideration, she denied the motion as moot. The Plaintiff signed a rental assistance agreement and refused to cash the check. Then after the judgement, paid the judgement, as a result filed the motion with the court and Judge refused to allow an opportunity to be fairly heard. EXHIBIT D

11) On a hearing was held where once again Judge failed to hear what had to say. She refused to recalculate the bond amount that was incorrectly calculated by Judge following an illegal eviction the prior month and ordered for the stay to be lifted despite stating that she had to pay for a hotel secondary to being illegally evicted. She showed biases and the appearance of impropriety. The court overturned the decision in a special action and allowed more time to pay rent because she was illegally evicted the prior month despite paying timely rent.

At the hearing on , Judge showed biases at the proceeding by allowing the Plaintiff to have their witness present but excluding witness and by excluding all of evidence. Judge conduct gave the appearance of impropriety. Judge failed to apply the law regarding ARS 13-3368B, ARS 33-1313, and RPEA13(2), Judge would dismiss counterclaim for not following proper procedure though the Plaintiff clearly did not follow proper procedure with serving the 5 day notices to cure. This showed clear biases and prejudices in the case. Judge denied the right to be heard. Judge was not patient nor courteous and her order failed to provide her rationale as she stated. It failed to apply the law.

At the hearing, in addition to the above concerns, Judge was again impatient, discourteous, showed biases and refused to correctly recalculate the bond and rule on an outstanding motion in open court which had the appearance of impropriety. Prior to this hearing, requested a change of Judge, Judge in a sarcastic manner stated that this was the Justice Court and not the Court and furthermore ruled on the case unjustly.

1) Excluded Exhibits attached from hearing . EXHIBIT A
2) Both 5 day notices filed with the court are attached along with the summons and complaint for . EXHIBIT B
3)The transcripts from the hearing are attached and order. EXHIBIT C
4)The rental assistance agreement is attached for . EXHIBIT D
5)Counterclaim is attached for . EXHIBIT E
7) Motion to Lift Stay and all related filings EXHIBIT F
8) Denial of change of Judge. EXHIBIT G

Court Administrative Order

County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

MOTION TO: Motion to change time or date of trial hearing

ORAL ARGUMENT REQUESTED

JCRCP Rule 128

You have the right to file a response to this motion within ten (10) days from the date this motion was served. Your response must be filed with the court and copies of your response must be served to the other parties as provided by Rule 120 of the Justice Courts Rules of Civil Procedure. The court may treat your failure to respond to a motion as your consent that the motion be granted.

I am the Plaintiff Defendant

I would like the court to:

Change the time of the trial hearing to an earlier time on date.

so that my witness can testify at trial or change to a different date.

Statement of facts:

Current time conflicts with an important work meeting for Defendants witness.

Legal support including Statute or Rule that applies:

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Plaintiff Defendant

CERTIFY that a copy of this document has been or will be served on _____ to:

Plaintiff at the above address Plaintiff's/attorney Defendant at the above address Defendant's attorney

Date: _____ By Signature _____

County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

ORDER

The Court, having considered multiple motions in this case, the responses and replies, orders as follows:

IT IS ORDERED Defendant's Motion to Transfer to _____ Court was withdrawn by the Defendant.

IT IS FURTHER ORDERED Defendant's Motion to Reconsider Dismissal of the Counterclaim is denied as not ripe because the Counterclaim had not been dismissed prior to today.

IT IS FURTHER ORDERED Defendant's Motion to Dismiss Due to Improper 5 Day Notice and Improper Service of the Summons and Complaint and Accompanying Documents is denied.

IT IS FURTHER ORDERED Plaintiff's Motion to Strike Counterclaim is granted.

IT IS FURTHER ORDERED awarding judgment to Plaintiff in the amount requested for the eviction with a writ of restitution to issue on _____.

Date: _____

Justice of the Peace

I CERTIFY that I delivered / mailed a copy of this document to:

Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney

Date: _____ By _____
Clerk

County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

MOTION TO: Hold Proper Evidentiary Hearing

ORAL ARGUMENT REQUESTED

JCRCP Rule 128

You have the right to file a response to this motion within ten (10) days from the date this motion was served. Your response must be filed with the court and copies of your response must be served to the other parties as provided by Rule 120 of the Justice Courts Rules of Civil Procedure. The court may treat your failure to respond to a motion as your consent that the motion be granted.

I am the Plaintiff Defendant

I would like the court to:

Hold Proper Evidentiary Hearing to Allow both Parties to equally to produce evidence fairly. The court did not allow the Defendant to produce evidence to prove that the Landlord and the Process server both falsified information to the court.

Additional documentation attached.

Statement of facts:

The Landlord did not serve a day notice per Ariz. Rev. Stat. Ann. § 33-1313(B), as a result the law states that the case should have been dismissed. Blatantly misapplying the law is a violation of Defendants due process rights.

The process server did not serve the Summons nor Complaint, therefore the law states the Plaintiffs case must be dismissed.

For the courts to fault to apply the law properly is a violation of due process rights strictly because the Defendant is pro set and the Plaintiff is represented.

Legal support including Statute or Rule that applies:

Ariz. Rev. Stat. Ann. § 33-1313(B)

Rule 13. Entry of Judgment and Relief Granted

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Plaintiff Defendant

I CERTIFY that a copy of this document has been or will be served on _____ to:

Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney

Date: _____ By _____
Signature

**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.**