

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-071

Judge:

Complainant:

ORDER

May 23, 2025

The Complainant alleged a justice of the peace made improper rulings in dismissing a small claims case that was transferred to civil court regarding being prescribed the wrong pair of glasses.

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 allegations of the complaint in this matter solely raised disagreements with legal rulings. The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. "A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct." *See* comment 3 to Rule 2.2 of the Code of Judicial conduct. Any violation of the Code of Judicial Conduct must be proven by clear and convincing evidence.

A mistake in a ruling does not automatically mean that the judicial officer has engaged in judicial misconduct. Judicial officers are required to exercise their discretion in making their decisions. Even if a judicial officer's decision is legally or factually incorrect, the ruling is generally considered to be "legal error" and not "ethical misconduct" that the Commission can address. When a complaint to the Commission solely relates to the correctness of a judicial officer's legal decisions, the Complainant is seeking the Commission to function in the capacity of an appellate court. Correcting legal errors is the role of the appellate courts, not the Commission.

The Commission is a regulatory body with limited jurisdiction. The Commission is not a court, and as such, it does not have any authority to overturn a judicial officer's rulings, intervene in a case, assign a new judge to hear a case, or

award any monetary or other relief. The Commission process cannot be a substitute for seeking appellate review.

The Commission reviewed all information submitted by the Complainant 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).

A Duty Panel comprised of Commission members Denise K. Aguilar, Colleen E. Concannon, and Joseph C. Kreamer considered this matter.

Copies of this order were distributed to all appropriate persons on May 23, 2025.

Motion denied

LAW OFFICES

PROFESSIONAL CORPORATION

Orders:

Attorneys for Defendants

IN THE

JUSTICE COURT

IN AND FOR THE COUNTY OF

NO.

Plaintiff,

**(PROPOSED) ORDER GRANTING
DEFENDANTS' MOTION TO
CONTINUE TRIAL DATE**

vs.

Defendants.

The Court, having received Defendants _____ and _____ Motion
to Continue Trial Date, and good cause appearing,

IT IS ORDERED that the trial currently set for _____ is reset for:

Dated this ____ day of _____

Justice of the Peace

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IN THE

JUSTICE COURT

IN AND FOR THE COUNTY OF

Plaintiff,

NO.

PLAINTIFF'S ANSWER TO
DEFENDANT'S CONTINUED
TRIAL DATE TO A DATE IN
OR LATER FOR
PERSONAL REASONS and

PLAINTIFF ASKING THIS COURT
FOR ENTRY OF JUDGMENT
AGAINST DEFENDANTS

UNDER

CASE NO: ON ALL
PREVIOUSLY FILED PLAINTIFF'S
COURT DOCUMENTS DATED:

AND

and

filed

Vs.

Defendants.



ADDITIONAL PAPERS FOR HONORABLE**AND TRIAL-BENCH**

1 message

Attached email from Defendants' attorney office that _____ was given settlement authority in this case. Plaintiff received email, but that is as far as the settlement went. Plaintiff called many times to get ahold of _____ but no response.

Plaintiff presented in her last _____ filed court document the settlement amount of five (5) times the original amount _____ now owed Plaintiff but there was NO settlement offered by Defendants.

Please examine the email from _____ dated _____ to Plaintiff offering intentions to a settlement of this case, but no action, no letter from Defendant to verify a settlement amount, just a bunch of words with no action.

COURT ACTION, please:

please give the attached PDF of the email Plaintiff received from Defendant to Judge _____ for his knowledge before the Court date of _____ at _____

Plaintiff will be calling _____ Justice Court to verify that the Trail-Bench is still commencing and going forward on _____ at _____

Thank you,

 scan_
619K

.pdf

Book 1

TO: Honorable

"This letter constitute a NOTE TO APPEAL regarding the decision rendered in Case No: _____ on _____ in which the Court ruled in favor of Defendants legal team. The appellant, _____ respectfully appeals this decision based on the following legal errors, ARS rules and factual inaccuracies."

Court: _____ Justice Court

Names of the parties: Originally only _____

_____ joined, representing their legal documents, as well as speaking for her during all scheduled hearings. _____ never entered any verbal expressions, facts during any hearing.

Date of the Original Decision for Defendant: _____

By Honorable _____ in favor of Defendant

1. Plaintiff will clearly state her intention to appeal the decision made by Judge _____ Plaintiff believes the decision was incorrect by not following specific ARS, legal errors or factual issues, and request the desired outcome while attaching all supporting documents plus additional information found in these attachments, Attachment A, Attachment B*

2. Summary of the original case:

Plaintiff filed documents against defendant _____ only on _____ submitting Court papers stamped _____ at _____ Justice Court. Also attached were receipts Plaintiff paid for two (2) different eye glasses. One was from _____ which had the wrong lens for the right eye and charged Plaintiff _____ against her _____ for the wrong glasses. Plaintiff made an appointment with an in network ophthalmologist who gave Plaintiff a new eye prescription for right eye as well as a new prescription for her left eye as well. Plaintiff went to _____ and they processed the new eye prescription from _____ and the next expense was _____. Plaintiff now paid _____ for (2) set of glasses. There were also co-pays and additional expenses which are shown as Article A. Under Attachments.

3. The original judgment dated _____

by Judge _____ :

Was in favor of the Defendants, the legal team representing the other Defendant, who never was invited to the first hearing or any other hearings. First hearing was dated _____

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CONTINUED

* (which is seven (7) months later) after Plaintiff filed her small claim on See Attachment B* for the additional hearings that were scheduled after and appropriate Arizona Revised Statutes which the Court never followed about scheduling the first hearing.* Attachment B*

4. Reason for Appeal:

Plaintiff will address the legal errors (ARS) and factual errors that the court made in reaching its decision:

1. It clearly states that once documents are originally filed at Justice Court, Arizona, Plaintiff filed only , within sixty days (60) after that document was stamped and accepted, the clerk was supposed to set up "a hearing date" for all individuals shown on that court document, which never happened. ARSCP 8
2. And ARS 22-515(A)-(B) The first hearing was scheduled for _____
3. Defendant filed Initial Disclosure Statement disclosing the following information:

(misspelled first name again) is expected to testify concerning the care and treatment provided to Plaintiff, including all her personal education and training. However, Defendants stated she will testify regarding any and all other matters within her knowledge relating to the event on which again never happened. All the concerns of this witness were written by the Defendants' legal team. Wondering Defendants legal team even talked to ? However, See Attachment B* for pertinent ARS that applies to using Disclosure Statement in Small Claims Court.

4. There were two individuals not included in Defendants' legal team such as: who performed the first eye prescription for Plaintiff and, who accepted the eye prescription from and submitted that prescription for new eyeglass lenses for her selected eyeglass frame. However, never asked if the new prescription should not be ordered, since asked to give Plaintiff a referral for a medical exam on her right eye. However, that new prescription was never cancelled and those eye glasses within several weeks did arrive at and Plaintiff refused and requested a refund of when refused and yelled at Plaintiff, WE DON'T GIVE REFUNDS. Why weren't these two (2) individuals not on Defendants' Initial Disclosure Statement???????? Because they had testimony in favor of the Plaintiff!!!

This is another individual, who is supposed to testify at the hearing(s) which never happened. Again Defendants Disclosure Statement identifies several exhibits, which were never attached. Also attached Plaintiff's personal medical records were listed from her "head to her toes" of what other medical records retrieved to prove

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**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.**