

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-111

Complainant: No. 1308710693A

Judge: No. 1308710693B

ORDER

After reviewing a motion for reconsideration filed by the judge, the commission voted to dismiss this matter with a comment instructing the judge that the best practice is to avoid even the appearance of ex parte communication.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: December 4, 2007

FOR THE COMMISSION

\g\ Keith Stott
Executive Director

Copies of this order were mailed
to the complainant and the judge
on December 4, 2007

This order may not be used as a basis for disqualification of a judge.

CJC-07-111

April 10, 2007

Commission on Judicial Conduct
1501 W Washington St., Ste 229
Phoenix, AZ 85007
602-452-3200

RE: Keith Frankel

Dear Commission Members:

With this letter, I would like to lodge a formal complaint against Justice of the Peace,

On _____, I appeared in _____'s court room to represent myself in a landlord/tenant dispute case _____. At the time of the trial, he did not render his decision, but told us he would within the week and we should receive something in the mail. On _____, I received notice that he had ruled in favor of the defendant and ordered me to pay _____ security deposits back to them. (These tenants signed a 12 month lease agreement and walked out on it after the first month without paying me any more rent or giving any notice. Instead, they sued me for "misrepresentation" (of what, I'm still unsure) and I've tried multiple times to settle with them and let them out of their lease agreement to no avail.)

Upon receiving this notice, I immediately went to the _____ Justice Court to appeal this decision because another judge, in this same court, had already ruled in my favor during a _____ and ordered that all deposits be forfeited by the tenants. (See Case # _____, judgment ordered on _____) It was suggested by one of the court clerks that I file a motion to vacate the judgment by _____, instead of filing an appeal, since I had the documentation from the previous hearing. I did this and, by the time I returned to my office, _____ had already called me and left a message with a receptionist in my office for me to call him. I called him back and left a message.

About _____ called my office again in regards to my motion to vacate. When I explained to him that another judge had already handed down a ruling regarding the deposits, he put me on hold to pull the file. He got back on the phone and told me he would pull the tape from our trial on _____ and call me back, which he did. In this third call, he told me that he was standing by his original ruling and that he would not vacate his order. He told me that the previous judge had "illegally ordered the forfeiture of deposits" and he would vacate that order if necessary. I asked him how he could possibly do that and on what grounds and he told me that he was the judge and he could do whatever he wanted and he

CJC-07-111

would send it to me in writing. He told me that I should, "read the law; read the Landlord/Tenant Act." I told him that I had read it and that what he was saying wasn't what was in the Act. At that point, he told me that it was too bad and I would have to research it myself if I didn't like his answer.

During this same conversation, I expressed to him that the tenants already owed me from the previous judgment and hadn't paid a dime of it yet and he told me that this was my problem as it's my job to collect money owed to me. After trying for at least 10 minutes to reason with him, I finally realized that I was wasting my time because he had already made up his mind and had no intention of changing it for any reason. At this time, I told him that I would appeal his decision and he told me to "go right ahead" as "he didn't care what I did" and then he hung up on me.

That afternoon, I went back to the Court to file my appeal and was told that would need to rule on the motion to vacate before I could do anything. When I told the clerk that he had called me that same morning and he had already ruled on it, she told me there were no notes in the file regarding the conversations he had with me or any ruling. She asked me if the other party was present for any of these conversations and I told her that I didn't believe they were. (As of I still have not received anything in the mail regarding my motion to vacate or anything on my appeal.)

Realizing this is all "he said, she said" at this point, I am providing the names and numbers of the two ladies at my office who spoke to . I have also included his ruling along with the ruling by the previous judge for reference.

While I am not an attorney, I do believe that behavior was incredibly unethical and he's done a grave injustice to me and to the name of this Justice Court. The way he spoke to me was reprehensible and a disgrace to the position he holds.

Thank you for your time and thank you in advance for looking into this situation on my behalf.

Sincerely