

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-034

Judge:	No. 1461911004A
Complainant:	No. 1461911004B

ORDER

The complainant alleged a justice of the peace was biased and did not allow him to present his evidence.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After reviewing the information provided by the complainant along with the recording of the hearing, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: April 26, 2013.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on April 26, 2013.

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

2013-034

COMPLAINT AGAINST A JUDGE

Your name:

Judge's name:

Date: 2-25-13

Instructions: You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

ON 2-5-13, I APPEARED IN JUSTICE
COURT REGARDING AN EVICTION PROCESS WHEREIN I WAS
THE DEFENDANT. I REPRESENTED MYSELF IN THE MATTER,
ALTHOUGH I DID COMPLETE A CONSULTATION WITH AN
ATTORNEY AS PART OF MY RESEARCH OF THE ARIZONA
LANDLORD TENANT ACT (L.T.A.)
WHILE ATTEMPTING TO RESOLVE THE ISSUES WITH MY
LANDLORD, MY RESEARCH REVEALED THAT THE LANDLORD
WAS IN VIOLATION OF APPROXIMATELY EIGHTEEN ARTICLES
OF THE L.T.A. AND THAT I WAS CLEARLY BEING WRONGFULLY
EVICTED BY THE LANDLORD IN RETALIATION FOR MY MANY
REQUESTS TO HAVE THE LANDLORD COMPLETE NECESSARY REPAIRS
TO THE RESIDENCE, AS PER THE TERMS AND CONDITIONS OF
THE SELF HELP ARTICLE CONTAINED WITHIN THE L.T.A.
AFTER HAVING BEEN ADVISED BY THE CONSULTATION
ATTORNEY TO FOLLOW THE L.T.A. GUIDELINES, AND AFTER
PROPER NOTICE WAS ENTIRELY COMPLETED, I WITHHELD
THE JANUARY RENT TO PRESENT IN COURT ALONG WITH MY
OTHER EVIDENCE AND WITNESS TESTIMONY. ^{gulf}
WHILE WAITING IN THE JUSTICE COURT LOBBY AREA, THE
LANDLORDS ATTORNEY WAS OVERHEARD TO
STATE TO THE LANDLORD, "DON'T WORRY, I KNOW THIS JUDGE,
HE'S A NEW JUDGE, AND A FORMER POLICE OFFICER, WE WON'T
HAVE ANY PROBLEMS."
WHILE ATTEMPTING TO PRESENT MY CASE TO THE COURT -

(Attach additional sheets as needed)

JUDGE MADE IT CLEAR THAT HE CARED NOT ABOUT ANY VIOLATIONS OF THE L.T.A. WHICH I ATTEMPTED TO INTRODUCE AS PART OF MY EVIDENCE DOCUMENTATION. JUDGE ALSO WOULD NOT CONSIDER THE RENTAL HISTORY RECORDS I ATTEMPTED TO PRESENT, AND WHICH PROVED THAT I HAD BEEN A GOOD TENANT WHO PAID RENT IN A TIMELY MANNER OVER A THREE YEAR PERIOD. JUDGE INSISTED THAT I BE HELD TO AN INVALID LEASE CONTRACT WHICH HAD EXPIRED IN 2010, AND WOULD NOT ALLOW ME TO PRESENT MY EVIDENCE WHICH CLEARLY PROVED THAT THE LEASE CONTRACT WAS IMPROPERLY EXECUTED BY THE LANDLORD, CONTRARY TO THE TERMS OF THE L.T.A.

AT ONE POINT IN THE HEARING JUDGE ACTUALLY ASKED MR. FOR A LEGAL OPINION, AND THEN ASKED MR. "CAN I LEGALLY RULE ON THAT". I WAS STUNNED, AND WHEN I TRIED TO OBJECT AND ASKED FOR A CONTINUANCE, JUDGE BECAME OBVIOUSLY ANGRY WITH ME AND WAS VERY CONDESCENDING TOWARD ME. AS I TRIED TO CONTINUE TO BE ALLOWED TO PRESENT MY CASE, MR. WAS ALLOWED TO CONTINUALLY INTERRUPT ME, AND JUDGE MADE IT IMPOSSIBLE FOR ME TO DEFEND MYSELF.

I ASKED JUDGE TO HOLD MY RENT CHECK, ORDER THE LANDLORD TO MAKE THE HEALTH AND SAFETY REPAIRS, AND TO COMPLY WITH THE TERMS AND CONDITIONS OF THE L.T.A. INSTEAD, JUDGE AWARDED THE LANDLORD A \$2000.00 JUDGMENT, AND ORDERED MYSELF AND MY FAMILY TO MOVE OUT WITHIN FIVE DAYS.

I STRONGLY BELIEVE THE JUDGE WAS CLEARLY NOT AWARE OF THE TERMS AND CONDITIONS CONTAINED WITHIN THE L.T.A. AND WAS THEREFORE NOT QUALIFIED TO RULE ON THE SAME. I BELIEVE THAT JUDGE COMMITTED MALFEASANCE IN OFFICE, AND THAT HE WAS PREJUDICIAL AS DEMONSTRATED BY HIS CONDUCT. I BELIEVE THAT AT A MINIMUM, JUDGE SHOULD HAVE AT LEAST LOOKED AT MY EVIDENCE, HEARD MY WITNESS, AND EDUCATED HIMSELF ON THE RULES CONTAINED WITHIN THE ARIZONA LANDLORD TENANT ACT.