

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-120

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace prematurely ruled on pending motions and otherwise failed to follow the law in multiple eviction proceedings.

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 review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter to continue in his education as judge, including instituting and maintaining an active calendaring system for pending motions/hearings, educating the pro tem judges for his court, personally reviewing a file for accuracy before signing any judgments, and thoroughly familiarizing himself with the applicable rules for civil cases in justice court. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 17, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on August 17, 2015.

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

Arizona Commission on Judicial Conduct  
1501 West Washington Street  
Suite 229  
Phoenix, Arizona 85007

Subj: In The Matter Of A CJC Complaint Against'

To CJC Counsel:

In February 2015, I \_\_\_\_\_ in an \_\_\_\_\_ case in \_\_\_\_\_ Court ( \_\_\_\_\_ County). The sitting justice of the peace was a \_\_\_\_\_ named \_\_\_\_\_. I believe the sitting justice of the peace exercised poor discretion and violated the Code of Judicial Conduct in signing duplicative judgments against \_\_\_\_\_ and further denying constitutional right to due process. I also believe \_\_\_\_\_ demonstrated disregard of the Rules of Procedure and disregard for relevant statute and case law throughout multiple proceedings in the eviction matter.

To summarize, an eviction proceeding has an initial hearing and, if the litigant so chooses, a trial. At the initial hearing, \_\_\_\_\_ permitted a complaint to stand in spite of the fact that the text of the complaint was incomprehensible: *i.e.* \_\_\_\_\_ was being evicted for not paying \_\_\_\_\_ rents *in* \_\_\_\_\_. \_\_\_\_\_ permitted the complaint to proceed to trial. Next, \_\_\_\_\_ signed multiple judgments for \_\_\_\_\_ at the initial hearing, but then permitted counsel to \_\_\_\_\_ when she applied for \_\_\_\_\_ at the conclusion of the trial.

Finally, \_\_\_\_\_ did not enforce the text of the Rules of Procedure for a Motion requesting post-judgment belief. Aside from the fact that notice was improperly given, which deprived \_\_\_\_\_ of their due process rights, \_\_\_\_\_ did not bother to follow the Rule regarding the time period necessary to *permit a litigant to respond*. Instead of having 10 days to respond, \_\_\_\_\_ summarily ruled on the Motion in less than 36 hours

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Re:

without permitting my clients to be heard on the matter. Because of this injustice, I filed a \_\_\_\_\_, but \_\_\_\_\_ again denied that motion while making contradictory statements on the same Order (*i.e.* \_\_\_\_\_ denied, then

\_\_\_\_\_ requested a response to the Motion, then no Response was received, but stated that a response was received and the motion was still denied).

The Code of Judicial Conduct imposes a brightline duty on sitting judges to know and to understand the law that they are charged with enforcing. Justices of the Peace are bound by the same duties under the CJC.

I was reluctant to draw attention to these matters, but the superior interests of justice mandate this submission. I have been advised by \_\_\_\_\_ that I have a duty under Ariz.R.Prof.Conduct 8.3 to refer these concerns to you for further investigation.

You will find a copy of our complaint against \_\_\_\_\_ attached hereto, including exhibits demonstrating the factual basis behind the allegations in the complaint.

By submitting this file, it is my intention to discharge my duties under Rule 8.3. I will, of course, be at the Commission's disposal if any questions should arise.

Sincerely,

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**IN AND FOR THE ARIZONA COMMISSION ON JUDICIAL CONDUCT**

No. \_\_\_\_\_

**COMPLAINT**

[Empty rectangular box for case details]

Complainant \_\_\_\_\_, for its Complaint on judicial misconduct against \_\_\_\_\_, alleges, avers, and states as follows:

**GENERAL ALLEGATIONS**

1. \_\_\_\_\_ is an Arizona \_\_\_\_\_ and a \_\_\_\_\_ with \_\_\_\_\_ in the state of Arizona.
2. ("Respondent") is the Justice of the Peace for the precinct of \_\_\_\_\_ County in Arizona ( \_\_\_\_\_ ).
3. Respondent was elected to \_\_\_\_\_ in \_\_\_\_\_.
4. Upon information and belief, Respondent took the \_\_\_\_\_ bench in \_\_\_\_\_.

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5. Upon information and belief, prior to taking the bench, Respondent was a  
at the in  
(Exhibit 1)

6. is an at the  
, an Arizona  
( ).

7. is an at

8. Upon information and belief, landlord eviction  
actions.

9. In fact, uses the website <http://www.com> (Exhibit 2)

10. On or about signed and filed a Complaint in  
for an eviction action against ("")  
on behalf of . (Exhibit 3)

a. The Complaint was premised on an allegedly irreparable

11. On or about signed and filed a Complaint in  
for an eviction action against ("") on behalf of  
. (Exhibit 4)

a. The Complaint was premised on an allegedly irreparable

1 12. On or about \_\_\_\_\_, \_\_\_\_\_ signed and filed a Complaint in  
2 for an eviction action against \_\_\_\_\_ (Name redacted) (“ \_\_\_\_\_ Complaint”) on behalf  
3 of \_\_\_\_\_ . (Exhibit 5).

4 a. The \_\_\_\_\_ Complaint was premised on **an impossibility**, namely, that  
5 \_\_\_\_\_ had not paid rents to \_\_\_\_\_ since \_\_\_\_\_ when, in fact, the  
6 Complaint was filed on \_\_\_\_\_ .

7 b. The \_\_\_\_\_ Complaint further alleged that \_\_\_\_\_ owed  
8 Dollars (\$) in \_\_\_\_\_ .

9 c. There were no other allegations in the \_\_\_\_\_ Complaint on which a lawful  
10 eviction could predicate.

11 d. In fact, \_\_\_\_\_ had paid her \_\_\_\_\_ rents and was also planning to  
12 pay \_\_\_\_\_ rents to \_\_\_\_\_ , although those rents were not even due for  
13 \_\_\_\_\_ days following the date of the Complaint.

14 13. \_\_\_\_\_ , \_\_\_\_\_ , and \_\_\_\_\_ were \_\_\_\_\_ in the same apartment and were also  
15 \_\_\_\_\_ .

16 14. On \_\_\_\_\_ , \_\_\_\_\_ appeared on behalf of \_\_\_\_\_ and \_\_\_\_\_ at a  
17 \_\_\_\_\_ Hearing in \_\_\_\_\_ (the “Initial Hearing”).

18 15. \_\_\_\_\_ , **not** \_\_\_\_\_ was present at the Initial Hearing.

19 16. Upon information and belief, at the Initial Hearing, \_\_\_\_\_ had a bankers box  
20 of \_\_\_\_\_ files, most of which were for \_\_\_\_\_ .

**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.**