

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-234

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Judge:

Complainant:

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**ORDER**

The complainant alleges a pro tem superior court judge inserted himself as a character witness, prevented her from testifying, engaged in improper ex parte communications, and made erroneous rulings in an eviction proceeding. Additionally, the complainant also alleged the same pro tem superior court judge was prejudiced against her, colluded with another judge against her, and made improper rulings in a protective order proceeding.

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 reminding him of the appropriate parameters for taking judicial notice so as not to violate Rules 1.1, 2.5(A), and 2.6(A). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members Gus Aragón and Louis Frank Dominguez did not participate in the consideration of this matter.

Dated: March 30, 2016

FOR THE COMMISSION

/s/ Peter J. Eckerstrom

Hon. Peter J. Eckerstrom  
Commission Vice-Chair

Copies of this order were mailed to the complainant and the judge on March 30, 2016.

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

2015-234

TO: ARIZONA COMMISSION ON JUDICIAL CONDUCT  
1501 W. Washington Street, Suite #229  
Phoenix, Arizona 85007

FROM:

**COMPLAINT AGAINST JUDGE** \_\_\_\_\_

\_\_\_\_\_ Case No. \_\_\_\_\_ Eviction Action (Forcible Detainer).

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

Defendant's Attorney:

Plaintiff's Attorney:

**Eviction Forcible Detainer Trial held** \_\_\_\_\_ **Court**

Property:

**The Arizona Judicial Code of Conduct's Preamble states;**

An independent, fair, and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must

respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. Judges should maintain the dignity of judicial office at all times, & avoid both impropriety and the appearance of impropriety in their professional & personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, & competence.

It should be mandatory for a Judge to abide by the law. When a Judge's deliberate lawlessness causes injury to a person's life, they should be removed from the bench and pay heavy penalties. Judges take an oath to abide by the laws they rule against others on and to serve the people within the law. Judges are accountable to the people, even though they cannot be prosecuted when they commit a crime, while they prosecute others for committing crimes. Judge , \_\_\_\_\_ committed a crime against me, he evicted me from my home, without any just cause or lawful merit, deliberately & dishonestly causing great hardship, despair and sudden homelessness.

My experience with the unlawful practices taking place in the \_\_\_\_\_ Court and due to the illegal eviction that was initiated against me has caused a catastrophic & harmful interruption to my life, welfare and wellbeing. My confidence in the competence and integrity of our present judicial system no longer exists, especially in the

\_\_\_\_\_ Court. How could it, when we the people are subject to dishonest Judges who collaborate with corrupt attorneys who deliberately misapply the law while fabricating dishonest rulings against the people under a façade of due process & protection of the law, paying their wages with our money we thought was paying for justice.

A Judge who illegally and deliberately removes a person from their home, who breaks the very laws he imposes on others, should be prosecuted!

Although my confidence has been completely eroded in the incompetency & lack of integrity of our Judicial system, and due to the corruption taking place in the \_\_\_\_\_ Court, it is my sincere hope that this is not entirely the case and that the Arizona Commission on Judicial Conduct will abide by it's preamble to ensure that

dishonest Judges are replaced with people who the public can actually trust to uphold the laws instead of Judges like Judge \_\_\_\_\_ who destroy peoples lives. So that the Judicial system can actually perform on the high values it wants people to believe about that system. We the people demand change!

### Summary

In an Eviction trial held on \_\_\_\_\_ ; I was unlawfully evicted from my home in \_\_\_\_\_ in the \_\_\_\_\_ Court, by Judge \_\_\_\_\_ Judge \_\_\_\_\_ inserted himself in the trial as a "Character Witness" and ruled against me based on his own testimony. Testifying, Defendant received proper "Notice" (required by the statutes) **because** "\_\_\_\_\_", even though this was not the case. Then illegally evicted me based on his own testimony. Judge \_\_\_\_\_ also granted a Monetary Judgement (against me) Defendant, even though my rent was paid in advance.

It is ironic, in \_\_\_\_\_, still believing in the false perception that the court actually upheld the law, I filed a petition in the \_\_\_\_\_ Court for a Restraining Order against my landlord \_\_\_\_\_ because my landlord was threatening me through \_\_\_\_\_ that he was " \_\_\_\_\_ " removing me from my home, without any basis or lawful merit. I felt unsafe and went to the court for help out of fear for my safety, \_\_\_\_\_ times. Judge \_\_\_\_\_ denied me the Restraining Order, stating it was a matter for a Summary Proceeding, then Judge \_\_\_\_\_ illegally evicted me at the Summary Proceeding in collusion with my landlord!

a Summons and Complaint was posted on \_\_\_\_\_  
\_\_\_\_\_ Process Server \_\_\_\_\_. Due to a trespass into my home by \_\_\_\_\_ agent on \_\_\_\_\_, I emailed the Plaintiff and \_\_\_\_\_ a notice demanding they send all notices to my attorney and to discontinue trespassing into my home, violating my privacy and rights to the property. They ignored my demand and trespassed again, anyway. (See Email Exhibits).

**The Summons & Complaint consisted of the following documents:**

1. Summons for Eviction Action Forcible Detainer stating **TRIAL Date:**
2. Residential Eviction Information Sheet
3. Complaint for Eviction Action Forcible Detainer
4. Notice of Non Renewal of Lease by
5. Residential Lease Agreement

**The Complaint generally states:**

1. The Court has jurisdiction
2. Plaintiff authorized to file this action
3. Plaintiff entitled to possession
4. The     day of                     the Defendant was properly served the required Notice A.R.S.33-1313 by the following method of X Posting & X Certified Mail.
5. Defendant wrongfully withholds possession after being served the notice.
6. The specific reason for this eviction Action is:  
(X) NO RENT DUE. (Forcible Detainer) Holdover by tenant after termination of Rental Agreement. A.R.S.33-1375 (Residential). Tenant remains in possession without landlord's consent after expiration/termination of rental agreement.
7. Plaintiff requests a money Judgment for the amount requested from Defendant, if any, a Judgment for possession of the property, and a Writ of Restitution returning the property to the Plaintiff's possession.  
(See attached Summons & Complaint Docs Exhibit).

**The Defendant Answered Plaintiff's Complaint denying paragraphs 3 thru 7.**  
(See attached exhibit, Defendant's Answer).

**Judge                     ignored Defendant's Answer to the Court entirely.**

It was the **Plaintiff's testimony**, as testified by the Plaintiff & \_\_\_\_\_, that the **1) lease expired on \_\_\_\_\_ and that the 2) Plaintiff served the Defendant a "Notice of Non-Renewal" of the lease on \_\_\_\_\_ by posting notice & certified mail** as required by A.R.S. 33-1313 and **3) Defendant was in a "hold over" tenancy after the termination of the rental agreement under A.R.S. 33-1375** and thereby, the Plaintiff had the lawful right to serve the Defendant with a Summons & Complaint on \_\_\_\_\_. To the Defendant's knowledge and her attorney, **4) Plaintiff did not enter any conclusive evidence into the court proving that Plaintiff sent any Notice to Defendant by certified mail or that Defendant received or accepted any certified mail, and there was no conclusive evidence to Plaintiff's alleged claim disclosed in the documents or in the court proceeding.** (The Complaint included a copy of a "Notice of Non-Renewal" of the lease)

It was the **Defendant's brief testimony** (Judge \_\_\_\_\_ prevented the Defendant from speaking in the courtroom whenever she attempted to speak, Judge \_\_\_\_\_ would not allow her testimony), & through her attorney that **1) Defendant exercised her option in the lease agreement to extend the lease another \_\_\_\_\_ years** and due to the landlord's unlawful behavior towards her, **2) Defendant required mediation** as this right was her right as a provision in the lease. **3) Defendant received an Email from Plaintiff of a Non-Renewal of the lease at the end of \_\_\_\_\_**, Defendant brought the email she received to the trial and entered it into court evidence. **4) Defendant did not receive a Notice of Non Renewal of the lease by certified mail from Plaintiff on \_\_\_\_\_** **5) As of \_\_\_\_\_ Plaintiff had \_\_\_\_\_ of Defendant's last month's rent still in his possession & received and accepted additional rent checks the first week of \_\_\_\_\_ cashing one of the checks, nullifying any alleged expiration/termination of the lease** Defendant's rent was \_\_\_\_\_ per month. **6) Defendant had the right to due process of the law in her rights to the provisions in the lease agreement.**

**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.**