

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-115

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace was biased against her and improperly granted a motion to set aside a default judgment.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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(a).

Dated: June 27, 2018

Copies of this order were distributed to all
appropriate persons on June 27, 2018.

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

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2018-115****COMPLAINT AGAINST A JUDGE**

Name: _____ Judge's Name: _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I filed a complaint with _____ on _____ The defendant _____
was served restricted delivery on _____ Proof of service
was filed with the court. The defendant, _____ did not file a response with the court. I received
default judgement against _____ on _____ I did not show up for anything nor did he
respond WITHIN 20 CALENDAR DAYS, WITH THE FILING FEE. UNTIL _____ ; LATER.

was sent the following documents:

1) Minute order dated _____ sent to plaintiff and defendant 2) Motion for default sent to defendant,
he refused service. 3) Minute order dated _____ sent to plaintiff and defendant. 3) On _____

Judgement dated _____ sent to plaintiff and defendant. On _____ ; had the
defendant served certified _____ a copy of the judgement and request to pay
monies owed. Proof of service filed with the court on _____

4) Minute order dated _____ sent to plaintiff and defendant. 5) On _____ ; Minute order sent to
plaintiff and defendant.

Motion/letter requires a fee no fee paid.

Motion/ letter/ request from defendant dated _____ ; stating he wasn't aware he had to pay a filing
fee. I _____ never had me served, nothing is filed with the court.

Letter received so it states _____ answer by defendant _____ , accepted on
no proof of service filed with court no green card.

Judge _____ has made me produce proof of service over and over, and I feel is bias toward the
defendant, not making him do the same. The rules change and are not consistent. His excuse for ignoring
letter after letter is he didn't know he had to pay a fee? I don't feel that is a valid excuse to prolong this
hearing case number _____. There were many times the

defendant could have responded, yet didn't do so until _____ after I was awarded
my judgement. He was served multiple times and why should I have to continue to pay out, I am
on a limited income. I feel Honorable Judge _____ didn't follow Rules of Civil Procedure as noted
in No. R-12-00006 rules 101-103, 104, 107-109, 110-113, 114-115, 138, 139, 140, 142 and 147.

dated _____. A complaint was filed and served. There was no answer by the
defendant. The lawsuit went into default judgement on _____ RULE 142: a. Pending motion under
Rule 138 or rule 141 a. Pending Motion under rule 138 or 141 Judgements entered under rule 139b
[ARCP 62(b)].

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From my understanding if the defendant does not file an answer within 20 days after service is complete, an application for Entry of Default may be filed, and was and served. The defendant failed to respond not I then filed for Entry of Default Judgement again the 10 days passed. The court rules state the court will accept an answer or other responsive pleading any time after the 10 day, which happened on

Also in the court rules it states NEITHER PARTY CAN APPEAL THE DECISION OF THE JUDGE IN . If either party believes the judgement was entered in error, (NO ERROR) or there were good reasons (NO GOOD OR VALID REASON) for one of the parties not appearing in court that party may set aside judgement. Not knowing to pay a filling fee, is not considered a valid or good reason for not appearing in court for not responding to notifications including one restricted delivery and one certified delivery.

Not being properly served by the defendant. I was not served a request/motion, or response and there is no proof of service in the court file. However, I had to pay, show proof. And my proof of service I delivered to the court on stamped by the court was returned to me.

I feel Honorable Judge bias in my case favoring the defendant , a judgement was rendered on in my favor. The Judge Honorable Judge continues to make his own rules not following the JUSTICE COURT RULES OF CIVIL PROCEDURE EFFECTIVE By allowing the defendant I to continue to respond, write requests and motions without proper service or even paying the proper fees as noted. not knowing to pay a filing fee is simple carelessness, laziness and show complete ignorance. Why should I have to go through this entire thing again. As on I was sent a NOTICE OF HEARING CASE# : FOR @ Is this justice, I am the victim in this case.

On I put in writing a formal Complaint. That Copy of the Complaint and documents attached are enclosed.