

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-198

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace is biased against him.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer 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 judicial officer did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a). The commission also denied the complainant's request for a hearing.

Dated: October 3, 2018

Copies of this order were distributed to all appropriate persons on October 3, 2018.

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

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2018-198

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

COMPLAINT AGAINST AN ARIZONA JUDGE

To Whom It May Concern:

STATEMENT OF THE CASE

On [redacted], a judgment was entered against me and my wife in case number [redacted]. I never received a copy of the judgment from the court. I inadvertently discovered that a judgment had been rendered against me [redacted]. A copy of the judgment is attached.

In [redacted] we entered into a lease agreement with [redacted] for the property located at [redacted]. The lease agreement provided that the rental would begin on [redacted] and end on [redacted] and [redacted]

provided that the "

" if the tenants (Plaintiffs) choose to rent the building continuously..

In our lease was renewed. Shortly after our lease was renewed contracted with , a management company in , to manage all of his properties. On behalf of , the management company filed an action against us for non payment of rent in case number . had failed to inform the management company that our rent was paid on the of , not on the of . We filed an answer and counterclaim and judgment was rendered in our favor. Shortly after, the management company terminated their contract with and we resumed paying our rent to him. sent us a letter stating that he would love to have us remain his tenants for .

Just prior to our lease being up in , suffered a fatal heart attack and died. expressed desire to sell all of the properties. We agreed to continue paying our rent and to show the property to prospective buyers. We sent rent check, which would carry us through . We moved on . On filed an eviction action on , which she sent to us by mail to the address. Because we had already submitted a change of address to have our mail forwarded to our post office box we did not receive it until just prior to the court date. Our answer to the eviction action was filed on .

A hearing was held before Judge r. At the hearing, Judge asked me if I was an attorney. I told him " " Judge scowled at my answer. We went on to explain that we had already moved and had set a time for , even though ; had never been to the address during the ; we lived there, to do a walkthrough with us, which ; failed to do. Judge told me that if I tried to move back into the property, which would have been

ridiculous since I had already moved to another location, I would be arrested.

I never heard any more from _____, attorney, or the court. I never received a judgment from the court. I can only guess that if the court sent a copy of the judgment to the _____ address, _____ got it and, instead of giving it back to the mailman for forwarding, disposed of it. Had we received a copy of the judgment against us we would have filed an appeal of Judge _____ decision because we were not given a timely notice to vacate, were not served properly by _____, had moved prior to our rent being up (it ran from _____ to _____) and, _____ owed us security deposits that were given to _____ in _____.

Because we were not sent/served with the judgment we were denied the constitutional right to redress/appeal Judge _____ decision.

Furthermore, because we never received notice of the judgment it has affected us in a negative way in that when we filled out an application to move into our current residence we answered " " to the question regarding a prior eviction. We moved here on _____ of _____ we put up \$ _____ for the first months rent and \$ _____ in deposits. Our landlord cashed our rent check for _____ on _____ and on _____, we were served with a _____ notice to move for " _____." And, the Landlord has no intention of refunding our deposits. This is how we discovered that a judgment had been rendered against us.

I am hard pressed to believe that _____ people, or any class of persons for that matter, can be tossed out of their homes so frivolously. It's a wonder there isn't a mile long line at the courthouses and, it's no wonder we have so many homeless people in our state. We intend to defend our position that we did not intentionally falsify the information regarding an eviction. However, we are in Judge _____ jurisdiction and we believe that Judge _____

is sympathetic to Landlords, even when they are in the wrong.

We believe that Judge [redacted] has taken a posture of bias against us and I do not believe he will be fair in any case we present to him. Judge [redacted] knew that we had moved from the [redacted] address yet he threatened to have me thrown in jail if I tried to move back in and rendered judgment against us without letting us know.

Because there is so much more to tell about Judge [redacted] cases where we have either been a plaintiff or defendant, I would ask for a hearing so that this Honorable Commission may further review those cases and judge for yourselves whether there is bias or an aura of unfairness on the part of Judge [redacted]

Respectfully,