

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-358

Complainant: No. 1409010698A

Judge: No. 1409010698B

ORDER

The complainant alleged that a justice of the peace lacked jurisdiction to rule on his small claims case and intentionally disregarded the law by signing an improper writ of that did not meet legal requirements. After reviewing the allegations and the judge's response, the commission found no ethical misconduct on the part of the judge. The judge presided over the matter as a result of a transfer requested by the plaintiff who filed for a change of judge as a matter of right. The judge had authority to issue the garnishment and any concern about the propriety of the garnishment involves a legal issue that is outside the jurisdiction of the commission. Accordingly, the complaint is dismissed in its entirety pursuant to Rules 16(a) and 23.

Dated: June 2, 2011

FOR THE COMMISSION

/s/ Keith Stott

Executive Director

Copies of this order were mailed to the complainant and the judge on June 2, 2011.

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

COMPLAINT AGAINST A JUDGE

Justice of the Peace _____ has ruled on my case which is out of his precinct and jurisdictional limits of Wickenburg. According to the AZ Attorney General's website, Arizona law requires lawsuits on small claims (\$10,000 or less) to be filed in the Justice Court and in the Justice Court precinct where the defendant lives or where the transaction occurred. The transaction occurred in Glendale at 5201 W Glendale Ave., Phoenix, AZ 85301. Justice of the Peace _____ has presided over a case that is out of his jurisdiction and precinct, and has illegally ruled in favor of the plaintiff, and has issued both a Judgment, and a Writ of Garnishment against me.

Also, the plaintiff (_____) has illegally garnished my wages. My wages were garnished even before the Justice of the Peace signed off on the Writ of Garnishment. Also, the Writ of Garnishment that was signed is illegal because the case falls out of the Justice's precinct and jurisdictional limits of Wickenburg. The judgment creditor (_____) also failed to serve me with the following forms before my wages were garnished: FORM 2 Signed Writ of Garnishment and Summons (Earnings) – 1 copy, FORM 7 Initial Notice of Judgment Debtor of Garnishment (Earnings) – 1 copy FORM 8 Request for Hearing on Garnishment (Earnings) (A.R.S. 12-1598.16C)) – 1 copy, and FORM 9 Notice of Hearing on Garnishment (Earnings) – 1 copy.

Justice of the Peace _____ has not only presided over my case which is out of his precinct and jurisdiction, he has also held the Writ of Garnishment proceedings without my being present. According to Arizona law, a written statement must be filed with the Court Clerk describing how and when the documents were delivered or served on the judgment debtor. I have never been served the four documents that are required by Arizona law to be served to the judgment debtor. I was not notified that my wages would be garnished. I did not receive a summons to appear in court. The Writ of Garnishment court proceedings were conducted without my knowledge and without my being present. I did not get a chance to object to the wage garnishment.

Justice of the Peace _____ has failed to ensure that the plaintiff (_____) went through the proper procedures that are required under Arizona law to request a garnishment of wages. My home address is listed in the court documents, yet I was not served or summoned to court. The court proceedings were held without my being present, and a Writ of Garnishment was issued without my knowledge. This is a blatant disregard for the laws that govern court proceedings in the state of Arizona.