

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-007

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Complainant: No. 1409710581A

Judge: No. 1409710581B

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**ORDER**

The complainant alleged that a justice of the peace intentionally disregarded the law by refusing to allow a representative of a corporation appear in a small claims matter. After analyzing the allegations, the judge's response, and listening to the recording of the hearing, the commission decided to dismiss the complaint by issuing an advisory letter reminding the judge that a company does not need to obtain an attorney in small claims cases. The complaint is dismissed with comments pursuant to Rules 16(b) and 23.

Dated: April 18, 2011.

FOR THE COMMISSION

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Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on April 18, 2011.

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

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December 16, 2010

Presiding Judge  
PIMA JUSTICE COURT  
115 N. Church  
Tuscon, AZ 85701

RE: Small Claim Case # CV

Dear Your Honor:

On Friday December 10<sup>th</sup>, of 2010 at 10:45am Financial Services telephonically attended a small claims hearing for case #CV against defendants Brenda and Luis Bojorquez. The judge hearing the Matter was Judge . The defendants were not present and Kristin Santamaria was the employee (title: Consumer Litigation specialist) attending the matter via telephone for the Plaintiff Financial Services. When the matter began Judge requested to know how it was that Kristin Santamaria was authorized to attend for Plaintiff. She advised Judge that she had submitted an authorization letter from authorizing her appearance on behalf and that this was usual practice by Pima and asked for in advanced and that this was in the file. Judge then requested to know if Plaintiff was an attorney for Plaintiff answered that she was not. Judge then stated that Plaintiff needed to be an attorney. Plaintiff advised Judge that this was a small claim's hearing and that a representative of the company, not an attorney, has always been allowed by the Arizona small claims system to attend small claim hearings on behalf of a Corporation. Judge advised that this case was transferred to Justice court in the amount being sued for was about \$7,000.00. Plaintiff then advised the judge that our claim was for \$1,107.34 not \$7,000.00. Judge then stated that she was vacating the telephonic hearing and rescheduling for another hearing on February 18<sup>th</sup>, 2011. Plaintiff then asked Judge if we would need an attorney to appear on that day for We were then advised by Judge that she was not able to give legal advice."

I immediately called the clerk and spoke with Vickey and explained the situation and how was confused about this small claims hearing and why were told that we needed an attorney to appear for us. She advised that this didn't sound correct and that we should write to the Presiding Judge and explain the situation. If you may, would like a clear understanding on whether we will need an attorney from here on forward to represent our company in Small Claims Court (Pima Justice Court)? I appreciate your review and response to this matter. Thank you,

Sincerely,

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