

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-174

Judge:	No. 1102214717A
Complainant:	No. 1102214717B

ORDER

The complainant alleged a pro tem justice of the peace failed to disqualify himself despite a subsequent admission that he had a relationship with the opposing party.

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 a private advisory letter. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 21, 2013.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on August 21, 2013.

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

June 24, 2013

To Whom It May Concern:

As you can see by the date on the enclosed complaint, against

I have given this matter lengthy consideration before deciding to file it. actions are the antithesis of what the public expects from a person in his position. Perhaps being pro tem and appointed, rather than elected somehow gives him less responsibility?!

When the ruling JP was unavailable, Constable requested his signature so that the court ordered remedy could be carried out in a timely fashion. told Constable he "was not comfortable" signing the writ of execution. He indicated his discomfort was based on the fact that he had a relationship with the defendants and that he frequented their restaurant. Interesting.....He felt strongly enough to refuse to sign the order (from another remember of the bench) but didn't feel that same relationship had any bearing on a case he heard - rather than recuse himself, due to conflict of interest - only a few weeks earlier. A case he dismissed, in favor of the same defendants he was now telling the Constable he had a relationship with. Not exactly the behavior I believe electorate is likely looking for or deserves.

Sincerely,

March 21, 2013

Dear Sirs:

I have always been one to believe in the impartiality of the law, and have never been given reason to doubt such, until recently. Constable [redacted] brought it to my attention that [redacted] refused to sign a writ of execution, from a recent judgment against [redacted] cited his rationale as being friends with the defendants and often eating at another of their establishments - Mangos Taco Shop. According to Constable [redacted] said he "didn't feel comfortable signing" and that "he didn't want them to poison his food". This alone was disturbing, but when added to the fact that [redacted] just weeks prior, sat and ruled on a case between myself and the same defendants and **DID NOT RECUSE HIMSELF** now takes on the appearance of impropriety.

The defendants [redacted] had bounced checks which were written to repay me for loans to their business. I had also filed for default, as only one of the defendants had answered [redacted] and the answer did not mention the other two defendants. I called the court numerous times to check on the status of default and was told [redacted] was "on vacation" and would address them upon his return. Unfortunately, there was never any timely attention or attention, or any attention at all ever given to the default motions. When I questioned him, at the trial, he sorted through the file and said that he would address that issue "later". The trial proceeded and I thought things went well – both parties served as their own council. The checks were drawn on a [redacted] account and stamped with [redacted] signature. I had another witness testify they had also bounced and refused to make right two of his checks. Whatever his rationale, [redacted] dismissed the case. I asked about the default judgment which he was remiss in addressing and he simple stated he would lump them in with the dismissal. When I further asked why they would not be addressed, (the defaults were filed in an appropriate and timely manner, but he was the one who failed to address them in like fashion) he would only say he had "made his ruling". No one is ever happy to lose what they feel is a strong case, but I honored his decision.

Now that I have heard (directly from an officer of the court and after the fact) about [redacted] relationship with the [redacted] family and how he enjoys eating at their taco shop, significantly influenced his attention in carrying out another judgment of the court, I have no option but to believe Jones demonstrated bias and perhaps malice in presiding over my initial case with the [redacted]. I would like to file a complaint for unethical conduct against [redacted] as he did not appropriately recuse himself from a trial where he has subsequently, and freely, admitted bias to another officer of the court. I have included copies of the judgment as well as a subsequent judgment against [redacted] which was before an *impartial* judge and came out quite differently.

In a review of ARIZONA CODE OF CONDUCT FOR JUDICIAL EMPLOYEES 2010, it would appear the [redacted] is in violation of at least the first two Canons. He has openly admitted a personal bias for the defendant and refused to sign a writ of execution of a court ordered judgment based on that same bias. This bias was further confirmed when, only a few weeks later, [redacted] communicated the same to Constable [redacted].

Thank you for your concern in this matter.