

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 13-193

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Judge:	No. 1053814729A
Complainant:	No. 1053814729B

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**ORDER**

The complainant alleged a pro tem justice of the peace improperly failed to impose a default judgment three times on a defendant who failed to appear and then made a ruling that was inconsistent with the evidence presented.

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 reviewing the complaint and the judge's response, 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.

Dated: October 22, 2013.

FOR THE COMMISSION

/s/ George Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed to the complainant and the judge on October 22, 2013.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2013-193**

**COMPLAINT AGAINST A JUDGE**

Your name: \_\_\_\_\_ ; Judge's name: \_\_\_\_\_ ; Date: 25JULY2013

**Instructions:** You can use this form or plain paper of the same size to file a complaint. Please describe in your own words what the judge did that you believe constitutes judicial misconduct. Be specific and list all of the names, dates, times and places that will help us understand your concerns. You may attach additional pages but not original court documents. Print or type on one side of the paper only, and keep a copy of the complaint for your files.

I had a default judgment on Dec 14th, 2012 for case \_\_\_\_\_ . The defendant did not reply to the original filing. After the default judgment was issued to me, the defendant sent an appeal to the court, claiming that they had never been informed. The judge responded by requiring the defendant to give a written response and pay an answer "filing fee". The defendant paid for the fee but did not respond. Another default judgment was issued to me on Jan 22nd 2013. The defendant filed another appeal, this time claiming that she already filed a "written response", even though the written response that she was using for that argument was the appeal that she wrote on Dec 17th 2012. The defendant was granted the opportunity to have her case heard by "alternate dispute resolution". A hearing was set, and the defendant showed up and we did not agree to any resolution. The magistrate from ADR claimed that there was not sufficient evidence, and sided for the defendant. I filed an appeal (which is allowed with ADR), and we had a hearing set for June 7th 2013. The defendant did not show up for the hearing, and instead of a third default judgment, the judge listened to my case. After the case was heard, the judge ended the telephonic hearing, and advised me that her decision would be mailed out. I received the decision that said the defendant was not present, and that the case was dismissed with prejudice. I am seriously confused as to how a court can allow the defendant to appeal a judgment twice, then not show up for the hearing, and have zero evidence, in addition to lying to the court by claiming that "the check was written to her in her name" (in one of the appeals that the defendant wrote) and I submitted a photocopy of the check (in my name) to the court as evidence. The court not only ignored the lie that the defendant gave to the court (in writing), but ignored the several pages of evidence to support my case. I don't understand how the court is permitted to not follow the law (ARS 22-519 states "that a party does not have a right to appeal a small claims court decision"). This would mean that the court disregarded the ARS 22-519 twice in favor of the defendant, then blatantly ignored the several items of evidence that I provided to the court, in addition to not filing a third "default judgment" when the defendant failed to show up to the hearing. I have pleaded my case to the court, in which they have not followed the law by honoring the first default judgment. The defendant never showed any evidence whatsoever as to why the first default judgment should even be debated. I am asking that case \_\_\_\_\_ ) is a default judgment for the plaintiff, as per ARS 22-519.

Please read ALL of the documentation of the case to get a better understanding of the case. I am asking that the court will follow the law, honor the default judgment, and punish the defendant for lying to the court.

Thank you for taking the time to read this, and for understanding my frustration.

*(Attach additional sheets as needed)*