

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-044

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Judge:

Complainant:

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**ORDER**

The complainant alleged a pro tem justice of the peace was biased against her and did not maintain appropriate courtroom decorum during a civil case.

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 warning letter, counseling him to turn off or mute his cell phone during future court proceedings. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: May 12, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez  
Hon. Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on May 12, 2015.

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



2015-044

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## COMPLAINT AGAINST

### Court Case Info:

- Plaintiff(s):
- Plaintiff's Attorney:
  
- Defendant(s):
- Defendant's Attorney:
  
- Case Number:
- Judge Assigned:
- Scheduled Court Date:
- Court Continuation Date:
- Location:

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

Dear Members of the Commission on Judicial Conduct,

This letter is to serve as \_\_\_\_\_; formal complaint against Judge \_\_\_\_\_; unethical, unscrupulous, and unprofessional behavior conducted during our trial held on \_\_\_\_\_ and continued on \_\_\_\_\_ at the \_\_\_\_\_ Court in \_\_\_\_\_, Arizona and to dispute the false statements noted in the Minute Entry dated \_\_\_\_\_, that was received by our Attorney \_\_\_\_\_ with the Law Offices of \_\_\_\_\_ on \_\_\_\_\_ has substantial evidence to prove that Judge \_\_\_\_\_ made a vast error in judgement when issuing his ruling and that the defendants and their witnesses committed perjury while on the stand. Due to the negligence of \_\_\_\_\_ spent \_\_\_\_\_ I to repair the damage to \_\_\_\_\_; replace \_\_\_\_\_; clean the \_\_\_\_\_; as well as, pay legal

and attorney fees to pursue this lawsuit, of which the company was forced to borrow from due to lack of funds [ATTACHMENT 1: LAWSUIT COMPREHENSIVE EXPENSE OVERVIEW SHEET 2.9.15 (14 Pages); ATTACHMENT 2: EXPENSE REIMBURSEMENT STATEMENT FOR DATED (4 Pages)]. Besides the amount owed to the company has an outstanding bill of

further putting in debt [ATTACHMENT 3: INVOICE FROM (2 Pages)]. **This is an exorbitant amount of money to spend to not receive a fair trial!** Obviously, would not make this type of investment if it did not have enough credible evidence to prove that , along with and listed were negligent and broke the terms of the lease agreement dated ! through During the trial, Owner, ; even stated that the evidence against the was so great that at the advice of legal counsel, only the most incriminating evidence was presented to not overwhelm the court, both from an informational and time standpoint. has always conducted itself in a fair, honest, and ethical manner in all its business transactions and stayed in excellent standings with the Town of

It is incredibly disheartening that as a small business, we have endured such financial costs and put our faith in the courts to help alleviate the burden that caused our . Unfortunately, we ended up with a trial displaying a high level of bias performed within a 3-ring circus, with a judge and opposing counsel demonstrating underhanded tactics and discrimination.

According to the Arizona Code of Judicial Conduct 2014, "The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system." Judge failed to comply with this preamble. At no point during the trial did feel that Judge acted independent, impartial, or with integrity. At the start of the trial, he dismissed all formalities and never introduced himself nor did he want to hear introductions to the case. He conducted himself with extreme arrogance and was highly condescending.

He, along with the defendants' attorney, were , with Judge being almost . It was immediately evident that favoritism was given to opposing counsel, , as was not required to follow any form of court etiquette and openly spoke over our attorney and during our testimony with no corrective action taken; was allowed to act underhanded; to delay court; allowed the use of cell phone during both days of trial, as were the ; objections made on behalf by the judge to prevent us from presenting evidence; not allowing us to defend our character when it was viscously attacked; wouldn't allow our witness to answer hardly any of our attorney's questions; allowed the to openly make comments from their seats; and even made copies for during the trial, so could present evidence, again delaying the trial and showing favoritism. By cutting us off at every turn and limiting our testimony, he made it impossible for us to appeal the case to which should have been within our rights, if we felt that we received an unfair trial.

Judge instantly interrupted our testimony in the first sentence of the first question being asked by our attorney and stated that it was ' This continued throughout both days of the trial. He also stated that for almost every piece of evidence that we tried to submit, that he would and that it was inconsequential before we even had a chance to introduce it. He stated that our and the ; that the ; forcibly entered the leased premises at the and the from the to the was hearsay, which is ridiculous as this is a legal public record and from an who is Even during testimony from both sides, he interjected his personal judgements, siding with the Defendants, and told about his background and his experiences, which were irrelevant in this case and inappropriate. He even went so far to as to say that and he agreed with ; that did not ; even though it was a at the right and we had photographs along with our stating otherwise, which amplifies the lack of integrity and the inability to be impartial in this case. On both days of trial, he also had his cell phone

continuously going off and even took calls in an attempt to [redacted] Throughout the first day of trial, we were led to believe, along with our attorney, that the judge sitting in front of us was Judge [redacted] as that is what was listed on the plaque in the court room and the judge assigned to the case by [redacted]

[ATTACHMENT 4: [redacted] CASE INFORMATION - CASE HISTORY (1 Page)]. It was alarming to learn that this was not the case.

Due to [redacted] being completely unprepared for the case, [redacted] was able to delay court with [redacted] courtroom shenanigans and manipulate the judge to reconvene at a later date giving [redacted] more time to prepare, which had [redacted] to do. The judge nor opposing counsel had any regard for our time constraints nor our availability before scheduling the continuation. On the second day of court, Judge Hamblen, Pro-tem allowed Nina Edidin to be [redacted] with no concern for the Plaintiffs. Before [redacted] even arrived, he [redacted] on the [redacted] and it was complete and utter mayhem. Finally when [redacted] arrived and the Judge [redacted] was unprepared and had to call for courtroom assistance to get the The court assistant [redacted] and we overheard that the judge sitting before us was not Judge [redacted] and was [redacted] We felt completely deceived and this amplified our concern that we would not receive a fair trial. The commotion with the judge and courtroom assistant delayed court for another minutes approximately resulting in us having to [redacted] Once more, there was no regard for wasted time and inconvenience for our witness [redacted] who was present for both days of trial not to mention the additional cost to [redacted] in additional attorney fees. Throughout the trial, Judge [redacted] allowed opposing counsel to submit documents and witnesses that were not disclosed. He constantly cut our attorney off and went so far as to continuously interrupt him during closing arguments. Finally, [redacted] stated that he would have a decision to us within [redacted] days time. It took him almost [redacted] to make the decision, again causing further attorney fees.

In regard to the Minute Entry dated [redacted] under Findings, Judge [redacted] stated, [redacted] which is untrue and no documentation from either party was submitted to support that claim with testimony from [redacted] witness for [redacted] refuting that statement. [redacted] conducted only [redacted] inspections during the tenancy: a [redacted] inspection on [redacted]; a [redacted] walk through on [redacted]; and an walk through on [redacted] [ATTACHMENT 5: REPAIRS WITH TENANTS (3 Pages)]. The statement,

" [redacted] is also false as [redacted] and [redacted] both testified this exhibit was part of a [redacted] welcome packet and was the landlord's disclosure statement showing the items that were imperfections with the house and was adamant that the tenants were not charged for any of the items on the list. In testimony, [redacted] even explained the meticulous process of using this list and old photographs to ensure that the [redacted] were not charged erroneously, as was part of the comprehensive supporting documentation from the original invoice [ATTACHMENT 6: PROPERTY MANUAL - WELCOME PACKET submitted into evidence for Plaintiff and Items Noted Prior To Tenant Move In Date by Defendant]; [ATTACHMENT 7: MOVE IN/OUT CONDITION SECURITY DEPOSIT STATEMENT AND FINAL NOTICE SECURITY DEPOSIT INVOICE AND BACK-UP (87 Pages - only submitted as evidence by Plaintiff and original invoice pages 1-5 by Defendant)]. Also, [redacted] stated in testimony that this list was not the Move-In/Move-Out Sheet, where the [redacted] did not indicate any problems with the house and the house was in pristine condition minus the imperfections, which was stated in testimony [SEE ATTACHMENT 7]. Also, [redacted] testified that the [redacted] signed the application, which states that "[redacted]" [ATTACHMENT 8: RENTAL APPLICATION FOR [redacted] AND [redacted] (5 Pages)]. Neither party submitted the Move-In/Move-Out making the claim,

" [redacted] absolutely false as mentioned above. In testimony, [redacted] identified that defendant's exhibit 1 was not the Move-In Sheet and again the Sheets were not charged for anything on the list and in fact were not charged for 2 other items that were found in pre-tenancy photographs.

In the statement,

" [redacted] again is false as [redacted] testified that [redacted] did not

provide a forwarding address and had to repetitively ask for this information. testified that were in attendance and described the scenario in detail. After several requests, pulled out a and quickly, which she identified in court. At no time, did request her security deposit or mention it. ; during their meeting, never indicated that the would be receiving their security deposit back nor was it even discussed on , as the inspection had yet to occur and was scheduled for , as stated in the Tenant Move Out Letter dated [ATTACHMENT 9:](#)

[CONTACT INFORMATION \(2 Sided Page - shown in ATTACHMENT 10: TENANT MOVE-OUT LETTER \(3 Pages\)\)](#). verified this is what she gave committed perjury on the stand when described this meeting and at no point did go to her car to obtain any paperwork. remained in the house during the entire meeting with until left the premises, as was witnessed by and documented in a written letter submitted to our attorney [ATTACHMENT 11:](#) [WITNESS ACCOUNT \(2 Pages\)](#). testified that the and the in a horrible predicament to make the necessary repairs and cleaning, as was required by to physically bring to in accordance with Arizona State requirements; it was during ; and it interfered with and also testified multiple times that every available moment was spent making repairs and cleaning the property from the inspection date of through and that the security deposit invoice was mailed around on directly inside the can not be held responsible for the actions of the United States Postal Service.

In the statement,

is false and testified to this matter. The received warnings in total from the H.O.A., being for landscaping. committed perjury when she denied every receiving any H.O.A. notices as sent her an e-mail regarding violations received on , which one was for maintaining the landscape and overall appearance of lot by removing and replacing a dead bush and cleaning up the landscape debris. The received another notice on received it after the moved out [ATTACHMENT 12:](#) [REGARDING HOA VIOLATIONS DATED \(1 Page\); ATTACHMENT 13: DATED \(1 Page\)](#). In regard to the carpet, the age is inconsequential as the problem was due to Photographs showing on the walls and on the carpet were submitted and testified that their carpet stretcher verified that the staining on the back of the carpet was from

In regard to the Findings and Counterclaim listed on page 2 of 2 in the Minute Entry dated disputes all claims as it was proven in court that the lied and did not maintain the property as promised. It was also proven that they breached the contract with the and in not keeping current and on file as directed by the contract. The were notified that they were in violation and testified to that fact [SEE ATTACHMENT 10](#). submitted extensive financial records, receipts, photographs, and had a witness proving their case against the . In addition, several were in our attorney's possession and he disclosed them as part of the potential evidence to be used in the trial. submitted approximately pieces of evidence while the had pieces, of which all were issued by and did nothing to disprove that the were negligent. testified that had over supporting the case and to support their claims. The never produced any receipts, photographs, or evidence to support any of their outrageous arguments. The and their witnesses all committed perjury and has the documentation to support that allegation.

The falsified their which the judge should have recognized when successfully managed to have and admit that they received the Tenant Move Out Letter; were aware that the inspection was held on that neither requested to be in attendance; and neither made an effort to contact until . This completely voids their counterclaim specifically in regard to the argument listed on Page 2,

noted above, at no point did [redacted] discuss [redacted] security deposit; nor did an inspection occur in the presence of both [redacted] and [redacted] nor did [redacted] contact [redacted] until an attorney called on her behalf on [redacted], followed by a demand letter from [redacted] on [redacted] at which time the case was already submitted to our attorney. [redacted] testified to this statement in court. [redacted] also was able to get [redacted]; to admit that [redacted] did receive [redacted] text that was sent on [redacted] informing [redacted] that [redacted] left items at the house and that [redacted] would be at the house at [redacted] confirmed the presence of the photo held by her attorney taken of the phone with the text message communications between [redacted] and [redacted] from [redacted] through [redacted] substantiated the inspection date by testifying that [redacted] conducted the initial inspection on [redacted]. The [redacted] provided no documentation or evidence to support any of their claims. Judge [redacted] showed favoritism and a complete lack of integrity by awarding the [redacted] in this case with absolutely no evidence from the [redacted] to justify their position. It is also relevant to mention that it certainly was not [redacted] who participated in bullying tactics and rather the [redacted] and their attorney, specifically when the [redacted] tried to evade [redacted]; when the [redacted] lied about the [redacted] versus just needing lightbulbs to be replaced; by the [redacted] leaving property for us to dispose of; by the [redacted] not disconnecting their utilities or forwarding their mail; specifically in the manner in which they left the property, disregarding all verbal and written agreements with [redacted] to keep up the property; the [redacted] disregard in responding to [redacted], [redacted] communications after their tenancy; when [redacted] with [redacted] left a message on [redacted] voicemail stating that the [redacted] had retained her as their legal counsel on [redacted]; when [redacted] sent a threatening demand letter on [redacted]; the lies delivered by the [redacted] and their attorney in their [redacted] and in trial; and the underhanded tactics demonstrated by [redacted] in not disclosing evidence or witnesses and her complete disregard for courtroom etiquette or professionalism. [ATTACHMENT 14:](#)

[ANSWER AND COUNTERCLAIM \(9 Pages\); ATTACHMENT 15:](#)

[ATTACHMENT 16:](#) [redacted]'S DEMAND LETTER TO [redacted] AND [redacted] REVISED SECURITY DEPOSIT INVOICE AND SUPPORTING DOCUMENTATION (30 Pages - submitted as evidence for Plaintiff); [ATTACHMENT 17:](#) COMPLAINT (BREACH OF CONTRACT; BREACH OF IMPLIED COVENANT OF GOOD FAITH AND FAIR DEALING (7 Pages); [ATTACHMENT 18:](#) COUNTERDEFENDANT'S REPLY TO COUNTERCLAIM (5 Pages); [ATTACHMENT 19:](#) DEFENDANT'S INITIAL RULE 26.1 DISCLOSURE STATEMENT (7 Pages); [ATTACHMENT 20:](#) PLAINTIFF/COUNTER DEFENDANT'S INITIAL RULE 26.1 DISCLOSURE STATEMENT (13 Pages); [ATTACHMENT 21:](#) [redacted], ARIZONA MINUTE ENTRY DATED [redacted] Pages - submitted as evidence for Plaintiff);

2 Pages).

Sincerely,