

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-189

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Judge: Rachel Torres Carrillo

Complainant: Brittany Gordon

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**ORDER**

The complainant alleged that a justice of the peace was prejudiced against her and did not afford her an opportunity to be heard.

Rule 1.1 of the Code of Judicial Conduct states that “a judge shall comply with the law, including the Code of Judicial Conduct.” Rule 1.2 of the Code requires that a judge “shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.” Rule 2.2 states that “a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.” Rule 2.5(A) requires that “a judge shall perform judicial and administrative duties competently, diligently, and promptly.” Finally, Rule 2.6(A) of the Code states “a judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.”

Brittany Gordon was a defendant in an eviction proceeding in which her landlord alleged there had been a material and irreparable breach of her lease agreement. The commission reviewed a recording of the hearing which showed that Ms. Gordon denied the landlord’s allegations and offered a defense to at least one allegation.

Rule 11(b)(1) of the Rules of Procedure for Eviction Actions requires that if a court determines a defense may exist, the court is to conduct a trial on the merits. Judge Carrillo did not conduct a trial, but rather ruled against the defendant. Although Ms. Gordon had only been served with notice of the material and irreparable breach, the eviction complaint also included a demand for past due rent. Judge Carrillo never questioned Ms. Gordon whether she agreed or disagreed that she owed the claimed rent, and in fact, the past due rent was not mentioned at all during the hearing. The Rules of Procedure for Eviction Actions also require a judge to question the defendant on whether or not they agree rent is owed. No evidence was placed on the record by the landlord regarding the specifics of the lease and

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

whether it allowed for late fees and court costs. However, Judge Carrillo signed a judgment for the claimed past due rent, late fees, and court costs. Ms. Gordon is heard on the recording questioning how she owes any money when she was presented a copy of the judgment.

In her response to the commission, Judge Carrillo indicated that she did not notice that the language in the judgment form was different from what had been alleged, and that she could no longer take for granted that the parties or attorneys are using the correct language on their forms. She also stated she knew what was in the landlord's lease from prior dealings with them, but never explained how this information could be considered part of the record when it was not verbalized by the landlord at the hearing. Judge Carrillo acknowledged that she never addressed the rent issue with the defendant, but improperly shifted the burden to the defendant, claiming the defendant never denied owing the rent and chose not to appeal.

Judge Carrillo's proffered explanations indicate a lack of awareness of the due process required in these types of proceedings, despite the number of years Judge Carrillo has served on the bench. A judge must comply with the law and the Code notwithstanding the demands of a high volume court.

Judge Carrillo violated Rule 1.1 and Rule 2.2 when she failed to comply with the law and uphold and apply the law by entering a judgment for rent when the tenant never received a notice of past due rent and the issue of past due rent was never addressed at the hearing. Additionally, she failed to comply with the law and uphold and apply the law by not conducting a trial on the issue of a material and irreparable breach of the lease agreement. Similarly, Judge Carrillo violated the foregoing rules by entering an illegal judgment.

Judge Carrillo's multiple errors in this eviction proceeding demonstrate a lack of competence in this area of the law in violation of Rule 2.5(A).

Judge Carrillo violated Rule 2.6(A) when she failed to afford Ms. Gordon the right to present her defense to the material and irreparable breach allegations, and summarily found her guilty of the detainer action based on unsworn avowals.

Judge Carrillo violated Rule 1.2 by failing to promote public confidence in the independence, integrity, and impartiality of the judiciary, and failing to avoid impropriety and the appearance of impropriety in Ms. Gordon's eviction proceeding.

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Accordingly, Rachel Torres Carrillo, Justice of the Peace, is hereby publicly reprimanded for her conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judge's response, and this order shall be made public as required by Rule 9(a).

Dated: November 13, 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 November 13, 2015.

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

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

**FOR OFFICE USE ONLY**

**2015-189**

**COMPLAINT AGAINST A JUDGE**

Name: Brittany Gordon Judge's Name: Judge Rachel Carrillo

**Instructions:** Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

When I first entered the Court room it was 10 mins or so after 8:00 am the Judge asked me what time did my Paper say I needed to be in court. I told her 8am she noticed it was weird because court didnt start till 8:30 We began and she asked questions to the Plaintiff The Judge asked me questions about my boyfriend being arrested on the Property I lived on then about the Fighting and threatening elderly tenant on Property with a Knife. At the point she signed the Judgment order to Evicted me from where I live in 24hrs. I asked Judge Carrillo to hear my side of the story and that I had evidence on the owner of my complex and the reason I had said Knife she refused to hear it. I next said I have the right to defend myself if I'm being attacked I never threatend anyone and she say no I dont not living in Multihousing. The judge was overly friendly with the member

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of managment from my complex. And  
I have reason to believe she is corrupt.  
After I left the court room I went to  
Info deck and the court reporter to come  
to talk to me I asked how do I  
file a complant on judge she repeated  
over and over that it cost alot of money  
and I didnt have the money by today  
I couldnt file.

Resp



# Maricopa County

Rachel Torres Carrillo  
Justice of the Peace

WEST MCDOWELL JUSTICE COURT  
620 West Jackson, Suite 200  
Phoenix, Arizona 85003  
602-372-6300

August 6, 2015

Commission on Judicial Conduct  
1501 West Washington Street, Suite 229  
Phoenix, Arizona 85007

Re: Brittany Gordon  
Complaint Case No. 15-189

Members of the Commission:

I am writing to inform the Commission Members that I have received the complaint that was filed against me by Brittany Gordon. Ms. Gordon is alleging that I "failed to provide her with an opportunity be heard" and alleges that she felt I was overly friendly with the member of management, and has a reason to believe I am corrupt.

I will try to answer all concerns and allegation about this case and procedures used in our eviction cases. I will include a copy of the file, and a copy of the hearing for your review.

On July 1, 2015 the defendant Brittany Gordon was served a "Irreparable breach and Immediate termination for Drug use outside of unit observed by staff, constant traffic, US Marshall's on property for Unauthorized Occupant boyfriend, threatening person with a knife in open area in front of other residents. Fighting and threatening elderly tenant on property. An initial Hearing was held on July 9, 2015, the landlord was present, and the defendant, Brittany Gordon.

Most Justices of the Peace, including me, will typically call the parties in an eviction action up to the bench first to learn the pleadings. Rarely does a defendant file a written answer, and oral pleadings are allowed by statute and oral answers are allowed by the Eviction Rules. If the pleadings reveal a material issue of fact, I will send the parties back to the counsel tables and conduct a trial.

This was a claim for an "immediate and irreparable" eviction based on threatening person with a knife, and I asked the Defendant, Brittany Gordon, if she had received the allegations and the notice and whether it was true. At first Brittany Gordon denied the knife completely. Shortly thereafter, however, she admitted that she had a knife, and indicated she wanted a trial to explain her reasons. I then ruled that the reasons were

immaterial, that threatening a person with a knife was legally sufficient to justify the eviction judgment. There was, therefore, no reason for the trial.

As far as the allegations that I was overly friendly to the landlord, and that the defendant states or believes I am corrupt. This is just not true, as the Commission Members review this tape you will see that both parties were in front of me at all times, and at no time did I have any ex-parte communication happen with this landlord. In fact I had a criminal calendar that day and remain in the court room to sign some paper work for a few of the attorneys regarding their case. I understand how difficult it is for a defendant or litigant to accept a judgment to be evicted especially within 12-24 hours, projecting anger toward me and the decision made to have her evicted within 24 hours. I personally do not know this landlord and I did not have contact with her accept during this hearing.

Finally the defendant was directed to see my clerk who was seating to the left of me to explain the Appeal process, since she appeared upset by my decision. I admit after seeing the tape, for some reason I could not think of the word "appeal", but directed the defendant to talk with my clerk, who gave her information regarding how to file an appeal regarding her case.

I want to Thank the Commission Members for allowing me to respond to this complaint. and I hope that I have address all the allegations or concerns regarding this complaint. If you have any further questions or concerns please feel free to call me at my office.



Judge Rachel Torres Carrillo  
Justice of the Peace  
West McDowell Justice Court