

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-261

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace engaged in improper ex parte communications, had a poor demeanor, violated her due process rights, and issued improper legal rulings.

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.

The commission does not have jurisdiction to review the legal sufficiency of the judge's rulings. In addition, 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(a).

Commission members Peter J. Eckerstrom and Art Hinshaw did not participate in the consideration of this matter.

Dated: January 31, 2017

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

Copies of this order were mailed to the complainant and the judge on January 31, 2017.

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

I understand the commission cannot reverse court orders or assign a new judge to a case.

I declare, under penalty of perjury, that the foregoing information and the facts I have provided upon which the allegations of judicial misconduct are based are true and correct.

Signature: _____

Date: _____

INSTRUCTIONS

Use the following space on plain paper of the same size to explain your complaint. Explain why you believe what the judge did constitutes judicial misconduct. Be specific and list the names, dates, times, and places relevant to your allegations. Additional pages may be used and relevant copies of documents may be sent with your complaint (please do not send original documents). Use one side of each page only and write legibly or type your complaint. Please keep a copy of your complaint for your records.

- 1) complaint; typed attached 5 pages
- 2) transcript of trial proceeding attached, typed 5 pages

Complaint concerning Judge

On _____ my landlord, _____ came to my door and handed me (the Defendant/Appellant) " Notice to terminate, month to month Rental Agreement" I did not sign the document. Never otherwise was I served with a notice to terminate. A notice was prohibited under 33-1381.

On _____ when I got home, _____ dated documents were attached to my door; a " _____ " and a " _____ " from the _____ from the _____.

On _____ I appeared before _____ as a defendant pro se. Prior to the proceedings, I filed an answer, a defense, counter claims and a request for a jury trial. Prior to _____ calling the case, plaintiff attorney _____ and _____ were at the bench talking alone (ex parte).

Per _____ admission this was to be a jury trial and/or hearing but non was conducted.. In fact, none of the procedures set forth in the Rules of Procedure for Eviction Actions and ARLTA was followed by _____ who was dismissive and rude toward me as a litigant.

had me sit in the gallery most of the time and she and the plaintiff attorney, remained at the bench together, out of hearing range talking ex partum, presumably about the case and viewing case papers. The recording device was turned off during the time and were alone together at the bench. 17B A.R.S, Rules, Proc, Evic, Act, that states the entire trial must be recorded. There was no trial.

failed to determine anything she was required to review before the judgement was entered.

failed to determine whether the landlord was in compliance with ARLTA.

failed to determine where the papers were served to me as required.

failed to ask if there were any witnesses present. (their presence was never acknowledged), and was I not permitted to present their testimony and establish my statutory defense.

never addressed my defenses and counterclaims, which she stated were not valid because I resided at the residence. Per A.R.S. 33-1303, A.R.S. 33-1305, Rule 8 and Rule 9 'counterclaims and defenses must be heard at the same time as the case/claim for possession.

Although [redacted] offered, [redacted] disallowed [redacted] to testify on the subject of retaliation.

In fact the entire procedure was a 'sham', proceeding as if does not reflect Arizona law in any way.

I was invited back to the bench by [redacted] at [redacted] into the [redacted] already commenced "proceedings".

[redacted] falsely stated: "

I wanted to converse with her about her state, but I did not have my trial file with me containing statutes, rules, notes, diagrams, etc, so I could not execute an effective argument.

[redacted] and I then proceeded to talk over each other and on differing subjects. [redacted] focused only on [redacted] and I focused only on retaliation claim. She discounted me altogether and whether I was entitled to the possession. The interaction fell short of the considerations requested. I was frustrated that there was not a regular back and forth discussion between us at any point, and that the law had no standing in the courtroom and it had no consideration at all by [redacted].

At [redacted] I left the bench to retrieve my trial file from the gallery bench, which contained A.R.S. statutes, rules, notes and diagrams, et al. [redacted] forbade me

to retrieve them. [redacted] said, "

. I was shocked when she would not allow me to retrieve my

file, being totally denied all my tenants opportunities to defend myself.

I was not allowed to have my file for reference but the plaintiff

Attorney had his file available for his reference. I was shocked at

behavior and lack of fairness with me, the litigant.

The referred to, resulted in an unlawful judgement being

entered against me, evicting me from my apartment. No conversation took place

as to whether damages should be awarded, that was automatically requested by

the plaintiff, including attorney fees.

paid no attention whatsoever to the defense.

I attempted one last time to assert there were instances of action I have taken

in the past , including calling the police and other government

agencies, the mental health and , with

concerns about the health and safety of my living environment.

In one instance in , my landlord I would not remedy the

environment in , so I *advised* them I would remedy it and

take the cost from my rent, as allowed under the Landlord

Tenant Act. Any of these actions by a tenant could lead the landlord to become
angered, but they were precluded by

disallowed them and stated they were different issues to be addressed at

a different times which was completely unlawful disregard by whose

unlawful judgment I have to appeal.

I was denied due process, my right under the fifth and fourteenth U.S.

Constitutional amendments.

date

Witness

date