

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 16-346

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Judge:

Complainant:

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**ORDER**

The complainant alleged a justice of the peace made improper rulings in an eviction 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.

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 member Art Hinshaw did not participate in the consideration of this matter.

Dated: February 8, 2017

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were distributed to all appropriate persons on February 8, 2017.

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

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2016-346**

**COMPLAINT AGAINST A JUDGE**

**Name:** \_\_\_\_\_ **Judge's Name:** \_\_\_\_\_

**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.

Complaint against a Judge--[name unknown]

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re Plaintiff's response to court and Defendant;

The complaint will be segregated to make it more obvious.

Things that were not brought up in the Plaintiff's response and are applicable to this case:

There is no component in/to the landlord-tenant law [33-1375] regarding the return of the keys WHEN the two parties do not trust each other.

Had the Defendant given the keys to the Plaintiff at the ending of the walk-through, the Plaintiff could have just taken them and walked away. At no time did the Plaintiff, during the few seconds that were part of the end of the walk-through--offer to give a receipt to the Defendant for the keys. Thus, in this case, the Defendant would have been both without keys or a receipt and no way to protect his position re. the keys. The Plaintiff could have offered one, the Defendant could have asked for one. With the refusal to give the security deposit back to the Defendant, the Defendant left in order not to cause a scene. He saw his deposit disappear.

Both 33-1311 Obligation of good faith was violated and 33-1312 Unconscionability was violated by the Plaintiff. The Plaintiff did not show up at the first trial conducted prior to the " " "

The Defendant had never heard of, of dealing with landlord-tenant law, any Plaintiff using only their attorneys to represent them. It was thought that such absence of Plaintiff caused the case to be judged in the favor of the Defendant on the spot. Why didn't the judge do this?

[ ]

C. The trial or first-day judge did indicate, out-loud to the Defendant--

The judge was very pleased with the offer by the Defendant to return the keys the next day and with paperwork included in the envelop--the Defendant was then sure to be " ' regarding notice of the keys being returned. The Plaintiff withdrew her position [ ] and decided not to respond to the offer and the Plaintiff's attorney did not comment on that offer--in court.

A. During this mini-trial, at no time did anyone ask for the keys.....thus,. offering the presumption that the keys were no longer an issue and the case dead--and therefore, stumping the Defendant, not sure why the next hearing was in The Defendant is not sure any court has ever had two trials on the same subject conducted with of each other.

B. During the second trial--hearing--call it what you wish, the judge amazed the Defendant by not

bringing up--in front of the Plaintiff--his comment about the offering of the keys.

The Defendant will take that MISSING POINT up with \_\_\_\_\_ and further counsel cause it hints at a glaring error of action by the judge. Or--if that recording of the judge's suggestion for the Defendant to give the Defendant's phone number to the judge, was not recorded--then his statement that the entire proceeding is recorded was in error.

C. Since the Defendant waited for the judge to dismiss the case, the Defendant presumed the keys were no longer an issue and the case would be dismissed right then and there. Such was not to be.

Finally, at the end of this second trial, the Plaintiff's counsel did ask

. At the termination of this second hearing, the Plaintiff

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