

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-016

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace was biased against her, allowed testimony without cross-examination, and made improper evidentiary rulings in a civil proceeding.

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 an advisory letter reminding her of the need to follow proper procedures regarding parties' testimony so as not to violate Rules 1.2 and 2.6(A). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

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

Dated: May 11, 2018

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on May 11, 2018.

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

2018-016

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.

To Whom It May Concern:

I am filing a complaint against Judge because I believe she was bias in her decision making of court case and I believe she violated the law. For one: The defendant missed her court date on Judge didn't rule in my favor for the defendant missing court. Judge stated she will make note that I was present and basically gave the defendant another opportunity as she put it. Secondly, my attorney wasn't allowed to cross examine the Defendant (). My attorney objected numerous times against Judge decision with no results. Also, Judge never allowed us to present our case for the rent that was still due from the defendant Never even wanted to hear us present our case. It was the end of the day and she was tired. Complete bias and one sided here. More important I had to submit my evidence over to the Defendant before the first court date scheduled on because that was the law stated to me and that I had to do it. The defendant brought with her people and testified and she presented evidence in the court which we were not allowed to even look at till the 2nd court date on at Her witnesses presented a story that my attorney objected to because her witnesses were not answering yes or no to his questions. After my attorney objected to Judge decision to still here the story of the defendant's witnesses. We became lost and confused because we have never seen anything like this before inside of a courtroom. I find it hard to believe that we had to present our evidence over to the defendant prior to our court date and yet the defendant didn't have to do the same. I also find it hard to believe that the defendant wasn't allowed by Judge to allow us to cross examine her the defendant. Why did Judge allow to miss her first court appearance and then allow her Witnesses to elaborate a story off the record without answering yes or no questions by my attorney. Finally, witnesses gave all hear say information. My attorney objected to this as well and kopt getting shot down by Judge for no apparent reason other than she stated I want to hear what they have to say even if it's a long story. I am appalled that this went on inside a Courtroom. I have never seen this kind of behavior from a Judge before. I know that this Judge had no prior experience since Judge. How did this happen. It explains why she didn't understand the system or the process here. I am asking that the Commission on Judicial Conduct investigate this thoroughly for Judge behavior. I would encourage someone to please listen to the recording of the hearing so that you may see what we are talking about here. These are huge violations here. Please also see my other attached document behind this one.

Thank you,

1. The Defendant did not provide a disclosure statement pursuant to Rules 121 of the . The Judge let in evidence that was not previously disclosed over the Plaintiff's objection.
2. The Defendant called witnesses in support of her case. Neither of these witnesses nor their expected testimony had been previously disclosed. The witnesses were allowed to testify over the Plaintiff's objection. These witnesses testified to issues that were not previously disclosed. Plaintiff was deprived of her right to cross examine the witnesses because the witness and evidence was not previously disclosed.
3. A witness provided an exhibit to the judge prior to being sworn in. Further, the exhibit had not been shown to the Plaintiff prior to its submission to the judge. The Judge also reviewed and considered the exhibit without it being offered into evidence by any party thereby depriving the Plaintiff from being able to object to its submission
4. The Defendant did not testify. When Plaintiff argued during the closing argument that Plaintiff did not testify or offer any evidence on her own behalf, the judge stated that she was previously sworn in. The Plaintiff pointed out that questions asked by a litigant to witnesses are not considered evidence and cannot be considered so by the court as such. The judge's response was that the Defendant could provide her evidence during her closing argument. This ruling was incorrect and deprived the Plaintiff of a fair trial. The Plaintiff specifically avoided introducing rebuttal evidence based upon the Defendant failing to testify. To allow the introduction of evidence during closing over the Plaintiff's objection was plain error.