

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-049

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace was biased in favor of landlords and failed to follow the law.

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).

Dated: April 11, 2018

FOR THE COMMISSION

/s/ Margaret H. Downie

Margaret H. Downie

Executive Director

Copies of this order were distributed to all appropriate persons on April 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

2018-049

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.

This case was heard before _____ announced that he _____ prejudice in _____ Before beginning the trial, the judge and, consequently, _____ was apparent throughout the proceeding, as he ignored or misinterpreted the clear statutory language that supported my case and, indeed, was rudely *dismissive of my efforts to explain why the lease agreement contravened applicable* as I had come to understand it.

Not being an expert in _____ in anticipation of the proceeding before _____ I provided to the _____ all the evidence that I planned to present at trial, in order to elicit their opinion. An _____ opined that there were numerous illegal stipulations in the rental agreement (copy attached) that violated AZ statutes (ARS 33-1321, ARS 33-1341, ARS 33-1324). For example:

The rental agreement forced me to maintain the landscaping (trim trees and remove debris) without the landlord agreeing to provide, or even discuss, some form of remuneration (or rent reduction) for my doing so.

I was forced to pay a \$50 "deductible" for anything that required an outside contractor to repair (in-sink disposal), and this too was deemed illegal by the

_____ disregarded everything I presented regarding the lease agreement itself, stating that the contract had gray areas, and disregarded unrefuted evidence of the landlord's conduct which was contrary to law. Without any explanation, _____ ruled that I failed to meet my burden of proof. Proof supporting my position was contained in the rental agreement that had been drafted by defendant, but _____ inexplicably refused to read the relevant lease provisions or listen to my testimony explaining how the landlord had enforced those provisions.

I believe the judge was predisposed to find for the landlord and was not impartial. Perhaps he should have recused himself because of the clear conflict of interest to which he admitted before the trial started.

The judge's conduct at trial was more than simply a misinterpretation or misapplication of the law. He unapologetically flouted the law, and his conduct was a blight on the judiciary in Arizona. Other plaintiffs who resort to our judicial system for redress should not be subjected to such treatment and are entitled to a fair, impartial hearing before a judge. That is not the treatment I was accorded by