

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 18-100

Judge:

Complainant:

ORDER

The complainant alleged a justice of the peace failed to understand the law, failed to understand the applicable procedural rules and had a poor temperament.

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 regarding Rules 1.2 (Promoting Confidence in the Judiciary), 2.2 (Impartiality and Fairness) and 2.6 (Ensuring the Right to Be Heard). The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Commission members George H. Foster, Jr. and Anna Mary Glaab did not participate in the consideration of this matter.

Dated: June 12, 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 June 12, 2018.

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

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

Name: _____ Judge's Name: _____

My concerns with Judge _____ are based on three areas – his understanding of the law relevant to my case, his understanding of the rules for Justice Court, and his judicial temperament toward people seeking to use the justice court.

Case Number _____ filed in _____

Hearing on _____

Background:

I filed a _____ action under the AZ Residential Landlord and Tenant act (The Act). I cited _____ as the basis. My landlady, in response to being informed that several of the tenants at my location were forming an association to forward our complaints against the on-site manager's bizarre behavior gave a Notice to Terminate Tenancy and threatened the other tenants with the same. The out-of-state landlord was not in compliance with the requirement to inform tenants with a local agent or a valid address as stipulated in the act. The Act protects Arizona tenants from out-of-state landlords who try to hide from service by keeping their location secret, by modifying service requirements for redress under The Act.

Complaint.

All of the items here are from the hearing on _____ in Judge _____ courtroom:

Understanding of the Law:

The Judge described my action as an "_____." This leads me to believe he hadn't read my complaint and motions describing the Retaliatory Action under Article 5 of The Act which I was charging. The hearing was about my _____. In my _____ filing, I included an affidavit of non-compliance on the part of my landlord, as the notifications under The Act had not been given to any of us tenants, so I had no way of effecting normal process service. I described how she didn't _____. I described how I had hired a process server in _____ to serve her at the only address I had for her, but that they were informed by the current resident at that address that my landlord was never there.

At the hearing, the Judge would not address the service alternatives specified in the statute, but instead suggested that I hire a '_____' to track her down. It is my understanding that the affidavit of non-compliance by my landlord in identifying a local agent, or a valid current address out of state for service modifies the service requirements. The legislature gave me protections while the Judge ignored them.

I see no indication that the Judge informed himself of the provisions of The Act in preparing to hear my case.

Understanding the rules of the _____

The Judge, at the end of the hearing, gave me the option of _____

I would go to the clerks window to start the process and the Judge told me _____ I asked if, to file _____ and walked over to the Clerks window where she told me _____ I then accepted the _____ and the Judge whose schedule that morning included _____ was not available for clarification. Now I'll have to pay another \$ _____ to re-file, and the money spent on service efforts is wasted.

Temperament _____

the Judge suggest that _____ or dropping my attempt to obtain justice was improper, in my opinion. _____ Having