

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-169

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Judge:

Complainant:

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**ORDER**

September 4, 2019

The Complainant alleged a justice of the peace improperly entered a judgment against her.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The complaint is therefore dismissed pursuant to Rules 16(a) and 23(a).

Commission members Gus Aragón and Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 4, 2019.

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19-169

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Arizona

\*\*\*\*NOTE: If you have not already spoken with an attorney in the  
 you may wish to call BEFORE submitting this form

### CHARGE AGAINST A LAWYER

NAME AND ADDRESS OF CONSUMER	NAME AND ADDRESS OF LAWYER
Telephone N Email address:	Telephone N:

1. Did or does this lawyer represent you?

YES \_\_\_ NO

If "YES", provide the approximate dates the lawyer represented you, and the amount, if any, paid to the lawyer.

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If "NO", how did you come into contact with this lawyer?

claim

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2. Do you currently have a lawyer other than the one named in this charge form?

YES \_\_\_ NO

If "YES", provide your lawyer's name and address.

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3. If your charge is about conduct in a lawsuit, provide the following information:

Case number of the lawsuit: \_\_\_\_\_

Title of the lawsuit (for example, *Smith v. Jones*):  
Country Courts AZ claim

Name of court (for example, Superior or Municipal Court, and name of county of city):  
Court

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Approximate date the lawsuit was filed: \_\_\_\_\_  
\_\_\_\_\_

What is your connection to the lawsuit (for example, plaintiff or defendant): \_\_\_\_\_  
Defendant  
\_\_\_\_\_

4. Is the lawyer in possession of money or other property (for example, your original documents or client file) that you believe should be returned to you?

YES \_\_\_ NO \_\_\_

If "YES" please identify the money or property *and include any written fee agreement*::

\_\_\_\_\_  
\_\_\_\_\_

5. What type of legal work was/is involved? (Check all that apply)

- Collections
- Family Law/Divorce
- Criminal Law/Traffic Offenses
- Personal Injury
- Immigration
- Worker's Compensation
- General Civil
- Other \_\_\_\_\_

claim.

6. What is the general nature of your charge against the lawyer (Check all that apply and please explain in Section 7 below)

- Delay or lack of diligence
- Failing to Answer letters or phone calls
- Refusing to return your files or papers
- Conflict of interest
- Improper handling of your money or property
- Not keeping you informed of progress on your case
- Not following instructions
- Other \_\_\_\_\_

Violation of due process

7. State your charge in your own words. Before doing so, you may wish to review "Information about Filing a Charge Against a Lawyer." Include all important dates, times, places, and details so that the specific nature of your charge can be understood.

Use additional sheets if necessary. PLEASE DO NOT USE THE BACK OF THIS FORM.

negligent in performing your work.  
He was



Defendant's response to a response:

Our defense has not change since the hearing were the president judge refused to do accept the evidence were presented at the original hearing. Presented and followed the process in shorthand for a set of motions regarding fairness.

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**Section R6-3-51190. Evidence**

***The burden of proof rests upon the individual who makes the statement.***

2. The burden of proof rests upon the individual by another party, and if cannot be.

- When a discharge has been established, the burden of proof rests on the employer's to show that it was for disqualifying reason. presumed to be true.
- When a discharge has been established, the burden of proof rests on the employer to show that it was for disqualifying reasons. This burden may be discharged by admission by the claimant, or this failure or refusal to deny the charge when faced with it.
- . An employee who discharges a workers and charges misconduct but refuses or failed to bring forth any evidence to dispute a denial by the claimant does not discharge the burden of proof. It is important to keep in mind that mere allegations of misconduct are not sufficient to sustain such charge.

**C. Weight and sufficiency**

2. When sufficient evidence has been obtained, all the facts can be consider.

- a. ~~Unsupported evidence has been obtained, all the facts available must be~~ weighed. Only relevant evidence can be considered.
- b. Specific detailed facts must be given more credence than general statement,
- c. A discharged of standards of behavior that the employer has the right to ~~expect of an employee.~~

To disqualify a claimant from receiving benefits and to retrieve the employee from charges to it's experience rating account, it must be established that the claimant committed an act of misconduct.

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**