

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-266

Judge:

Complainant:

ORDER

November 13, 2019

The Complainant alleged a superior court judge was biased against her and failed to timely hold a hearing on her request for injunctive relief.

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 Commission Rules 16(a) and 23(a).

Commission members Christopher W. Ames, Colleen E. Concannon, George H. Foster, Jr., Christopher P. Staring and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on November 13, 2019.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2019 - 266

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.

I filed a Complaint (Complaint for Injunctive Relief and Specific Performance, Retaliation, Breach of Contract, Loss of Quiet Enjoyment, Pain, Suffering and Emotional Distress) on

The Defendants (_____) are the landlords, owners and management companies of my apartment complex, _____ located at _____ I moved from this complex on _____ to _____ to preserve my health. This litigation is ongoing.

The Defendants were served the Summons and Complaint by the _____ Sheriff's Office. The Defendants did not answer the Summons and Complaint until _____ and _____ when they objected to the Application for Entry of Default filed by Plaintiff (myself).

In the Complaint, attached hereto and referenced herein, I complained of several violations of the Arizona Revised Statutes as well as provisions of the Arizona Landlord and Tenant Act wherein I had been _____ by another tenant who was arrested yet the landlord or management company ignored this act even while the apartment manager _____ That tenant still resides at _____ currently. Also, at the time, the apartment complex did not provide heat, an essential service. I have medical issues, one of which is respiratory. I complained, in writing, that I was becoming ill because of no heat. My letters were ignored. I also complained to the Arizona Tenants _____ for assistance and several state and local agencies with no help whatsoever. I was told to file a complaint with the court which I did. At the time of filing I had a severe cold and flu. Later, it turned to bronchitis and eventually pneumonia. Heat was not restored until _____ when a prospective buyer for the property appeared.

Pursuant to Rule 65 of A.R.C.P. the court should have held a hearing on the Injunctive Relief and Specific Performance claims within _____ Yet, the court ignored this rule.

If the court had held the hearing as prescribed in the Rules of Court, this matter would have concluded immediately since the Defendants would have had to explain these issues before the judge. The problems would have been alleviated almost immediately. But, instead, Judge _____ ignored this basic rule and allowed the Defendants to continue their unlawful behavior causing irreparable harm to me. I cannot get that health back. Having pneumonia created holes in my right lung that may never heal. All because Judge _____ was lazy and negligent in bringing these landlords into court to explain these issues. Because of the no heat, another man died at the complex just _____ after my complaint was filed.

Now, this litigation is ongoing with Judge _____ uling against me at almost every turn and threatening to dismiss my complaint. The defendants are requesting a dismissal since Injunctive Relief and Specific Performance cannot be proved since I have moved from the state.

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I have never broken a lease in my entire life and had signed a _____ lease with _____
My Complaint outlines the Retaliation and other actions used by the owners/managers of the complex. I was forced to break my lease pursuant to the Arizona Landlord and Tenant Act else I may have died at the hands of the _____ and Judge _____. My daughter is looking after me in _____

I looked to the court for protection and a remedy. Instead, I found a biased court who sided with the landlords regardless of the laws and to my detriment.

I complained to the _____ Presiding Judge _____ for disqualification of Judge _____ from my case but she ruled against me, which was no surprise, since Judge _____ is the Assistant _____ Presiding Judge. She must protect her cohort even when he skirts the laws. Justice be damned.

Judge _____ will probably get his way with this litigation but I am committed to finding justice and will pursue this litigation to the _____ Court. Obviously, Judge _____ has been allowed to ignore the rules and laws for such a long time that it is now second nature and he has no fear of retribution. Hopefully, this panel will stop his negligence and black marks on the court.

This case is a prime example of Judge _____ not demonstrating his impartiality. He did not simply "I _____" about what to do in the case of Injunctive Relief and Specific Performance. He intentionally skipped that hearing for the benefit of the defendants and to my detriment and ill health. Even if my health had been perfect, the judge should have conducted a hearing on the Injunctive Relief and Specific Performance.

He did not thereby showing his bias and prejudice and partiality.

the Lease Agreement (hereinafter "Lease"), attached hereto and incorporated herein by reference, between Plaintiff and _____ (formerly _____ Apartments), the Covenant of Quiet Enjoyment and Retaliation causing Plaintiff Pain, Suffering and Emotional Distress requests this Court for Injunctive Relief and Specific Performance with unspecified damages.

2) Plaintiff brings forth the following counts and allegations supporting her cause of action:

JURISDICTION

3) Plaintiff is an _____ a _____ and _____ living _____ and having lived at subject property for over _____. Plaintiff is a resident of _____ County. The incident complained of in this Complaint occurred in _____ County, at Defendant _____ apartment complex dba _____ (formerly _____), (hereinafter "Apartment"). This Court has jurisdiction over the subject matter and the person in this action.

4) Defendant _____ (hereinafter "_____") is an _____ and is working as a substitute manager for _____ (hereinafter "_____"), a _____ corporation, which is located in _____ and the original property manager for Apartment. The Rules, Policies and leasing agreements are the products of _____. Plaintiff pays rent _____ directly to _____. This Court has jurisdiction over the subject matter and the persons in this action.

5) This action is brought timely and within the statute of limitations pursuant to A.R.S. 12-542(1).

BACKGROUND

6) On Plaintiff entered into a ~~Contract/Lease~~ Agreement with by and through

7) The Apartment Complex consists of with the numbering system beginning with and ending with

8) As listed in the Lease, page paragraph and page paragraph is a NO SMOKING and DRUG FREE community.

Violations of these rules are stated as grounds for termination of residents' tenancy.

9) On or about tenant moved into

10) On or about Plaintiff complained to Defendant of tenant in of violating the Lease and the No Smoking policy.

11) On Plaintiff complained to the new management, Defendant in person, about the smoking which had still not been addressed by either management. It was stated to Plaintiff that a to cease or quit would be issued to offending tenant

12) On Plaintiff called employee of Defendant in to apprise her of the situation since she was the

**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.**