

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-340

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Judge:

Complainant:

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**ORDER**

March 16, 2020

The Complainant alleged a justice of the peace was biased against self-represented litigants, did not afford her a right to be heard, and improperly denied her waiver of the cost bond on appeal.

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, Barbara Brown, Joseph C. Kreamer and J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on March 16, 2020.

**2019-340**

**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 shall be referencing the following parts of "ARIZONA CODE OF JUDICIAL CONDUCT":

**RULE 2.2. Impartiality and Fairness**

A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Comment

1. To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.
4. It is not a violation of this rule for a judge to make reasonable accommodations to ensure self-represented litigants the opportunity to have their matters fairly heard.

**RULE 2.3. Bias, Prejudice, and Harassment**

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

**RULE 2.4. External influences on Judicial Conduct**

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Comment

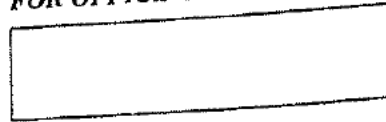
1. The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

**RULE 2.6. Ensuring the Right to Be Heard**

(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

I feel that Judge \_\_\_\_\_ has acted with Bias and Prejudice in favor of the litigant who has legal representation and against this indigent, pro se litigant and, as such has been unduly biased by the arguments of the lawyer and being in total agreement of any lie the lawyer chose to state without any reference to or opportunity to refute the lies of the lawyer by this indigent, pro se litigant which resulted in this litigants Right to Be Heard being denied. In short, I feel that I was denied fair, equal and due process under the law to present my case in a proper hearing.

To summarize the events, I filed before \_\_\_\_\_ was up against my landlord, who I had informed just after I moved out that I expected my remaining deposit of \$ \_\_\_\_\_ back to which he did not respond in writing with anything, neither a list of deductions nor my money, to get my deposit back and any penalties that I may



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be due. I did not put much documentation in my filing because I figured that that was what a hearing was for. At the time of my filing, I informed the court that I would be away much of the summer and, as such, would not necessarily be able to respond to things in a wholly timely fashion as I would not necessarily even receive the mail in a timely fashion.

The lawyer responded with a lot of lies and a false citation of a 1 year statute of limitation. I expected that I would be able to dispute all the falsehoods, including who the actual client was, in a court hearing where I would be given an equal chance to present my case. Instead of giving me any opportunity to respond, Judge \_\_\_\_\_ DISMISSED the case out of hand on the basis of and under undue influence by the lawyer and his false claims and false citations of law. I was immediately denied my right to be heard and hence my due process of equal justice.

Unfortunately, I did not realize this until past the 14 days for filing a reconsideration or appeal as, I had previously informed the court, I was away (not to mention startled and confused as to why no hearing was set, something I had been anxiously awaiting.) When I did file my extensive motion for reconsideration, with all the documentation now that I thought would have been more appropriate to present in the hearing I had been denied, I reminded the court that I had informed it that I would not be receiving my mail in a timely fashion and that the law allowed her to overlook the late filing. She again denied me, this time because I was late of filing after she had already (and unexpectedly) denied me a hearing and a right to be heard.

At this point, I did manage to file a timely appeal. As my sole income is disability, I am indigent and, as such, qualify for a full waiver of fees. I asked that the cost bond also be waived for the same reason. The lawyer objected, which is his right. The normal procedure for an objection, according to the law, is to schedule a hearing to see if I do in fact qualify. However, Judge \_\_\_\_\_ showed her bias against and ignorance of my indigency and her bias for and undue influence of legal representation over pro se litigants by simply saying OK, if I did not come up with the cost bond by a certain date, my appeal could not be filed. Had this stood -- I asked for another judge to reconsider the cost bond and explained me indigency and her decision was overturned and my cost bond waiver approved -- I would have been denied equal justice under the law and again denied the right to be heard.

Judge \_\_\_\_\_ seems to believe and is unduly influenced by whatever a lawyer tells her and does not seem to feel that a pro se indigent litigant has a right to present her case equally in a hearing before her. She finds it far more efficient to agree with whatever the lawyer requests, regardless of the accuracy at the basis of the request or the rightness of the request.

**CONFIDENTIAL**

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

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It was the fact that she would just agree to deny me a waiver of cost bond (though I clearly qualify) WITHOUT even a hearing to determine the facts -- just as she had done when she summarily dismissed my case -- despite that a hearing was the proper procedure under the law, that made me realize that she was, in fact, biased against indigent and pro se litigants, was unduly influenced by whatever a lawyer may write, and was violating her judicial responsibilities to be fair and impartial by being unwilling to provide me equal and due process under the law by giving me the hearing to acknowledge my right to be heard.

I ask this Commission to duly reprimand Judge \_\_\_\_\_ and educate her against these bad practices. I further hope that Judge \_\_\_\_\_ is never to be a judge in any case that I have before the court as I do not find her to be an impartial judicial representative.

CIVIL MINUTE ENTRY

CASE NO.

PLAINTIFF'S ATTORNEY:

DEFENDANT'S ATTORNEY:

COURT DATE:

TIME:

HEARING TYPE:

PLAINTIFF:

Present

Not Present

By Counsel

DEFENDANT:

Present

Not Present

By Counsel

The Court, being fully advised in the premises, finds Plaintiff \_\_\_\_\_ entitled to recover by \_\_\_\_\_ complaint.

Accordingly, IT IS ORDERED THAT

A Writ of Restitution (Order of Eviction) may be issued on \_\_\_\_\_ and is effective immediately upon being served.

NOTICE TO DEFENDANT

Pursuant to §12-1178(E), as amended, provides that a defendant who is lawfully served with a writ of restitution and who remains in or returns to the dwelling unit or remaining on or returns to the mobile home space or the recreational vehicle space without the express permission of the owner of the property or the person with lawful control of the property commits criminal trespass in the third degree pursuant to section §13-1502.

Judgment in the sum of \$ \_\_\_\_\_, late fee \$ \_\_\_\_\_, Court costs \$ \_\_\_\_\_, Attorney fees of \$ \_\_\_\_\_, and an \* interest rate of \_\_\_\_\_% to be entered for \_\_\_\_\_ and against \_\_\_\_\_, plus \$ \_\_\_\_\_ per day from \_\_\_\_\_ until premises are vacated.

Default

Confession

Dismissal  with prejudice  without prejudice be entered as to

Bond on Appeal \$ \_\_\_\_\_

ALL PARTIES IN ANY CIVIL CASE HAVE THE RIGHT TO APPEAL WITHIN (14) CALENDAR DAYS AFTER THE ENTRY OF COURT JUDGMENT, EXCEPT IN AN EVICTION CASE THE TIME LIMIT SHALL BE (10) CALENDAR DAYS AFTER THE ENTRY OF COURT JUDGMENT FROM A SMALL CLAIMS JUDGMENT.

APPEAL WITH THE TRIAL JUDGMENT APPEALED HERE ARE NO APPEALS

Copy mailed to  Plaintiff  Defendant

DATE: \_\_\_\_\_ B

\* Interest rate shall be at the lesser of ten cent per annum or at a rate per annum that is equal to one per cent plus the prime rate as published by the Board of Governors of the Federal Reserve System.