

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-378

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Judge:

Complainant:

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**ORDER**

February 27, 2020

The Complainant alleged a justice of the peace improperly refused his request to appear telephonically and treated his client unfairly.

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 Denise K. Aguilar, Roger D. Barton, Colleen E. Concannon and George H. Foster, Jr., did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 27, 2020.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2019-378**

**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 am counsel for Plaintiff,  
In this case against Δ,  
principal, interest, & fees, & \$  
seeks & in  
taxable court costs.

On filed a Motion to Allow Service by Publication.  
On approved Service by Publication per Court Order.  
On π filed Affidavit of Publication.

On π filed App/Att Default  
On set a Default Hearing for

On π didn't receive that notice in the mail until  
π filed a Motion to Appear Telephonically at Default Hearing because  
not economically feasible for counsel to drive from.  
and back for a case about \$ Those motions are typically  
routinely granted by judges and justices of the peace around  
this state as a matter of course & in the interest of judicial  
economy.

On DENIED the Motion to Appear Telephonically, but  
π didn't receive notice of the DENIAL until  
when π called the court upon receipt was advised that  
if π didn't appear court would enter a dismissal of case?  
Unfortunately given the fact that hearing was in  
impossible to file a motion for reconsideration before the hearing.  
I called the Court at & her clerk, advised that request  
to attend telephonically had been denied. When I asked the reason she  
said: "When I asked to  
be put through for the hearing because judge was abusing her  
power judge got on the line & told me she didn't appreciate  
now I was treating her staff & to file a motion. The judge then  
hung up on me."

actions in this case & others involving my client,  
are totally arbitrary, capricious & a complete abuse of her powers  
as a justice of the peace. I suspect they may stem from the  
fact that my client is a  
Company that has taken her up on appeal in the past in

In fact, is the only justice of the peace that treats my client  
unfairly with respect to the relief requested in this case & others.  
If you need examples I would be happy to provide.

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**Attorney for Plaintiff**

**IN THE JUSTICE COURT  
STATE OF ARIZONA, COUNTY**

**No.**

**Plaintiff,**

**vs.**

**ORDER ALLOWING SERVICE OF  
PROCESS BY ALTERNATIVE  
METHODS**

**Defendant(s).**

Upon Plaintiff's Motion For Service by Publication and good cause appearing therefore;

IT IS HEREBY ORDERED allowing alternative service by publication upon

Defendant,

DATED this \_\_\_\_ day of \_

\_\_\_\_\_  
Justice c

 **COPY**

deposes and says that he is the  
publisher of the  
newspaper of general circulation and established  
character, County,  
Arizona, and that

**SUMMONS**

a correct copy of which is attached to this affidavit,  
was published in the said every  
newspaper proper and not in a  
supplement for

**Publ.**

Publisher,

Sworn to and subscribed before me, a Notary Public  
in and for the County of Arizona, this day  
of

Notary Public \_\_\_\_\_



1 rate of \_\_\_\_\_ per annum, from the date of Judgment, until paid.

2 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff,  
3 \_\_\_\_\_ have judgment against the Defendant(s), \_\_\_\_\_ for the  
4 principal sum of \$ \_\_\_\_\_ for accrued interest in the sum of \$ \_\_\_\_\_ plus accruing interest on the  
5 principal at the rate of \_\_\_\_\_ per annum from \_\_\_\_\_ until paid; for Plaintiff's reasonable  
6 attorney's fees in the sum of \$ \_\_\_\_\_ and for Plaintiff's costs herein expended and incurred in the  
7 sum of \$ \_\_\_\_\_ and for taxable accruing costs, together with interest on the attorney's fees and costs  
8 at the rate of \_\_\_\_\_ per annum, from date of Judgment, until paid.

9 The Court hereby finds that there is no just reason for delay in entering Judgment against the  
10 party(s) named herein and hereby directs entry of final Judgment in this matter. The Court further  
11 finds that no matters remain pending and that this Judgment is entered pursuant to Rule 54(c).

12 IT IS ORDERED that the Court retain continuing jurisdiction over the issues of attorney's  
13 fees and costs.

14 DONE IN OPEN COURT this \_\_\_\_\_ day of \_\_\_\_\_

15 \_\_\_\_\_  
16 Justice of the Peace  
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**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.**