

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-006

Judge:

Complainant:

ORDER

April 9, 2020

The Complainant alleged that a justice of the peace failed to follow the rules of civil procedure.

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 member Gus Aragón did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 9, 2020.

2020-006

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 feel the JP did not follow rules of civil procedure. I was served a complaint on _____ from _____ Not knowing who they were and never having an account with them and they did not include with there complaint any information I filed my response on _____ as well as filed a counterclaim on the same date. On that date I sent via USPS certified return receipt mail _____ both my answer and the counterclaim in the same envelope. It was delivered on _____ and signed for. I filed a copy of the return receipt with the court. On _____ the court set mediation. Or _____ having not heard a response to my answer or my counterclaim I filed an Application for Entry of Default, according to rule 117 (e), ARS 22-514 the counterclaim defendant, _____ has _____ calender days to file an answer. Sent the Application for Entry of Default to _____ via USPS first class mail to the address on the original complaint. On _____ Defendant/Counterclaim Plaintiff filed a Affidavit for Entry of Default Judgement, also sent via USPS first class mail. _____ Defendant/Counterclaim Plaintiff filed a corrected Affidavit for Entry of Default Judgement as I had put our names in the wrong places. _____ Court Record reflects Default. _____ I received a Court Date for the Counterclaim that was to be on _____ as I could not get off of work I filed with the court on _____ for a telephonic hearing and included my telephone number as well as my address and a self addressed stamped envelope. On _____ late in the evening the court recorded that it had denied my motion for telephonic hearing. Now I realize its my responsibility to show up but gave the court plenty of time to respond either via USPS or by phone. Mediation was also scheduled on _____ and since I had not received any response from the platiniff/Counterclaim defendant I did feel I needed to show up. Since mediation requires exchange documents prior to the date of mediation, absent those documents what is there to mediate. I had not received any documents from _____ which were requested in my answer as well as my counterclaim about this supposed debt that they say they own. And since not hearing any response to this date that is why I filed for an entry of default judgement. _____ filed for judgement-default. I, _____ was not in default. I had responded to the original complaint and filed a counterclaim on the same date. _____ Associates claimed they never received counterclaim which was sent certified return receipt and signed for by them. If _____ had not received my answer then why did they not file for a default judgement prior to the mediation. You can see all the court filings on there web site. The judge granted default judgement and struck my answer and my counterclaim I filed a motion to vacate judgement stating a full time line which is reflected on the court record but was declined.

I realize that the judge has a busy schedule and since they are not lawyers maybe they did not understand the rules that I followed. I see also that _____ has many many cases with _____ Justice Court and many are with _____ In reading manv of those on the court record many seem to have the same outcome as mine. _____ uses very unethical practices as they have been fined for by the US government. One of which is sending there corospondence via US mail but not putting there name and address on the envelope only a PO box so most would think its junk mail. I feel that _____ was not fair or followed the rules of civil procedure.

CONFIDENTIAL

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

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