

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-035

Judge:

Complainant:

ORDER

April 24, 2020

The Complainant alleged a justice of the peace did not afford her an opportunity to be heard, failed to rule on objections and pending motions, engaged in improper demeanor, and made improper rulings in a civil matter.

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).

Copies of this order were distributed to all appropriate persons on April 24, 2020.

COMPLAINT AGAINST A JUDGE

COMPLAINANT'S NAME:

JUDGE'S NAME:

1. I filed a lawsuit on _____ against _____ and _____ of _____ in _____ I attempted service for _____ months, including paying the _____ to serve the defendants on my behalf. When I filed the Affidavit of Service, I was notified by the court clerk that they had already accepted service. I never received any documentation from the court or defendants' attorneys.
2. I learned that the attorney had filed a Motion to Dismiss the case against _____ along with an Order for Attorney's Fees. I immediately filed a response to both, citing that whether or not _____ was listed in the lease agreement as a landlord, the Registered Agent for BOTH entities, _____ represented himself as landlord by including this title in his signature block on official documentation. I filed a Motion on _____ and requested an oral argument. This request was completely ignored, I was never given an opportunity to present the information to the Justice of the Peace, and further disturbing, a judgment awarding these fees was entered without my knowledge (until _____ . The Justice failed to act impartially and awarded these fees inappropriately, without considering the full scope of evidence presented and available.
3. I filed a Motion to Compel discovery on _____ because the Defendants failed/refused to fully answer the non-uniform interrogatories. At the start of the trial on _____ I requested that the Justice rule on the open Motion to Compel; Justice declined. I again made the request on the _____ day of trial, _____ Justice declined. I explained that without the additional information, I was disadvantaged and the trial and case were prejudiced against me. Justice _____ was unconcerned and refused to rule. To date, she has failed to rule on this motion.
4. I attempted to add a witness to supplement my case and provide firsthand information on the issues at hand, because I did not have access to much of the information needed to properly present it, and the defense attorney, _____ who also serves as a judge pro tempore in the same court, objected. The judge ruled that I could not add this witness, yet made him leave the courtroom because of "the Rule," invoked by _____
5. Justice _____ and _____ were hostile to my witness, _____ uring his testimony. They both interrupted him and at one point, _____ tated, "I don't know if you're just here trying to be a hero real estate agent or the boyfriend," which was completely inappropriate. I was attempting to provide context based on his experience in property

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management, which was relevant, and never ruled on the objections during his testimony. She acted unprofessionally and left open objections from both sides.

6. On the day of trial, left many open objections unresolved. That evening, I contacted a friend who serves as a superior court judge in and local attorneys, all of whom advised that I state, "Judge, I need a ruling...I am trying to establish the record." I followed this guidance on and forced her to make rulings. Whenever she spoke to me, it was in a condescending manner and made several comments that "you keep doing this, saying it's okay, and then later saying it isn't." I replied, "yes, that is because you continue to allow o bully me and see no problem with it. I am not being given a fair trial."
7. one of my witnesses, testified and I explained that I had an over minute recorded conversation in which he completely contradicted his courtroom testimony. At issue was the fact that when I spoke with him in this call on he stated that he had no record of the invoice for replacement of carpet in (which would have negated the Defendant's counterclaim for carpet fees given they had no real proof of replacement). He stated this multiple times. became irritated and complained that if we had to listen to the entire minute excerpt of this call, she would have no time to question him. The Justice mistakenly allowed her to question him as if he were her witness, even though her witness list included a "tech" from his company and Mr. is the owner/principal, not a tech. I told the Justice that as long as she would allow Mr. to appear telephonically the next day, and for me to play the recording, I would allow Ms. time to question him. All parties agreed and in fact, the Justice left the room at the end of the trial on that day, and waited for her to return before leaving to ensure this was acceptable. He then provided his cell phone number to the defendant, and left. On day of the trial, I raised this as the first issue I wanted to address and was met with both and sudden memory lapse about this conversation. It wasn't until I pushed and said we could revert to the trial recording that they "remembered." agreed to allow me to play the recording, but gave some ridiculous reason to continue to delay it based on expediency of the trial, stating that I should have done it the day before when the witness was present. It was frustrating because it seemed the Justice and attorney had conspired to

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disallow this evidence and by not allowing it, the case was heavily prejudiced against me.

The witness said one thing on the phone – he had no record of the invoice and had never been to the property – and then, after consulting with the defendant, stated in court that he had the document in some other database. It was ridiculous.

8. In her ruling, the Justice recalled nothing that of my witnesses stated regarding the state of the home or fact that there was no odor of urine and relied upon the word of the one defense witness who claimed there was evidence.

9. also improperly stated that I conceded to the entirety of the repainting charge, when I very clearly stated in my opening and in my initial complaint that I felt that amount to be unreasonable.

10. most egregious act, however, was her denial of my Reply to the Counterclaim in which I requested an Oral Argument. I filed this reply with the court on and cited several relevant laws that were broken by the defendant to which he admitted in open court on Her ruling, filed on stated “this court is unclear on Plaintiff’s request but since the case is now in the civil division, the judgment amount is not limited to the small claims cap. She completely ignored my response which was that “1. The parties did not have a valid lease contract under the Arizona Residential Landlord and Tenant Act provisions 33-1312 and 1324, and 2. that the defendant violated provision 9-1303.6(b).” In her own words, didn’t understand the response, yet, she failed to grant me the opportunity to further explain the plain English in which it was written and oral argument requested. This is an egregious abuse of power and complete disregard for truth. She also refused to allow me to enter testimony related to the fact that the property was uninhabitable and that the defendants were aware of this at the time they entered into the lease agreement.

add to the dismissal document

Tenant Handbook

OUR PERSONAL MESSAGE TO YOU:

Congratulations on the selection of your new home. If you are new to the area, welcome. If you have any questions about the area, please feel free to give us a call at We will be happy to assist you and make your transition a smooth one.

As property managers we have obligations to both you the resident, and to our client, the owner of the home. This Handbook, which is a part of the lease, outlines our responsibilities to you as well as your responsibilities to us and to the home. Please read each paragraph carefully. A good relationship is possible when both parties understand and fulfill each of their responsibilities and obligations.

Clear communication is the key to a successful Landlord/Resident relationship. We are always ready to answer any questions or to find solutions to any problems.

Sincerely,

County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Unknown

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

REPLY TO COUNTERCLAIM

JCRCP Rule 117

I am answering on behalf of:

Myself

Marital Community

(Requires signature of both husband and wife)

Partnership

Other: _____

I admit the following portion(s) of Counterclaimant / Defendant's counterclaim:

1. _____
2. _____
3. _____
4. _____

Counterclaimant / Defendant is not entitled to judgment on the counterclaim because:

1. The parties did not have a valid lease contract under the Arizona Residential Landlord and Tenant Act provisions 33-1312 and 1324
2. Defendant violated the Arizona Residential Landlord and Tenant Act provision 9-1303.6(b) and upon notification, refused repair.
3. _____
4. _____

I am asking the court to deny Counterclaimant / Defendant's counterclaim.
I am also asking for reimbursement of my court costs.

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

Counter-Defendant / Plaintiff

Counter-Defendant / Plaintiff

I CERTIFY that a copy of this document has been or will be mailed or

to:

Plaintiff at the above address

Plaintiff's attorney

Defendant at the above address

Defendant's attorney

Date: _____

By _____