

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-058

Judge:

Complainant:

ORDER

June 18, 2020

The Complainant alleged a justice of the peace did not afford him a fair trial.

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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 18, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2020-058

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 believe I was not given a fair trial. Based on my limited understanding of the law, small claims court cannot have a lawyer for either side unless, the other side agrees to a lawyer. In my case the following issues arose, that lead to a faulty deployment of justice.

1. The court lost my evidence, in my initial answers to the the claim by _____ I submitted video evidence on a DVD, and outlined all of my counter claim documents. On the day of my trial, we literally had to re-create all of the evidence in the court. My key piece of evidence, albeit on the phone, the Judge did not bother to look, at it, and stated she would have to keep my phone. I had to verbally describe a video, they lost.
2. The court allowed a witness from the Plaintiff who was not on a witness list, nor vetted by myself prior to the case.
3. The Judge negotiated with the Plaintiff, on what court charges were allowed to include lawyer fees, I wish I knew how that is just for me.
4. The time to answer the claims, or counter the Plaintiff's legal maneuvers the time was often too short.

I currently have the entire court proceeding, on video as well a video of court proceedings attached.

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EXHIBIT 2 [Proof of small claims issue should represent them]



CASE NUMBER: _____

Plaintiff's Name / Address / Email / Phone

Defendant's Name / Address / Email / Phone

The Statutory Agent / Corporate Officer to be served is: _____

SMALL CLAIMS ANSWER

WARNING: THERE ARE NO APPEALS IN SMALL CLAIMS CASES. You do not have the right to appeal the decision of the Hearing Officer or the Justice of the Peace in Small claims (Division) Court. If you wish to preserve your right to appeal, you may have your case transferred to the Civil Division of the Justice Court pursuant to ARS 22-504, if you request such a transfer at least ten (10) judicial days prior to the day of the scheduled hearing.

DEFENDANT'S ANSWER

A filing fee must be paid at the time your answer is filed.

I am answering on behalf of Myself Marital Community Other: _____

I do not owe the plaintiff because:

1. _____ ordered me to vacate premises after a disagreement about Airbnb. [initials]
me to cease which I did. _____ hours later they placed an order to vacate on my door, and therefore broke the lease terms.
2. _____ is charging fees for an apartment that was professionally cleaned, prior to my leaving. I took a video of
The apartment since they were unavailable to inspect the property the day I left, which was on a _____ evening.
3. I did not assign nor sublet the property. I was not given the opportunity to comply with the order to stop putting it on Airbnb.
4. Lease does not state Airbnb is not allowed in lease.
5. Please dismiss this claim.

Date: _____ Defendant _____ Defendant

Notice: If you are representing a business, please attach letter of authorization.

Please inform court staff if interpreter services are required.
 Yes, I need interpreter services. Language: _____

I CERTIFY that a copy of this document has been or will be mailed to the Plaintiff at the above address.
Date: _____ By: _____
Defendant

EXHIBIT 3 [THIS IS SMALL CLAIM
WHY A LAWYER]

IN THE

12380

JUSTICE COURT

COMPLAINT

Plaintiff

vs.

Defendant

THE STATE OF ARIZONA TO ABOVE NAMED DEFENDANT(S):
STATE OF ARIZONA.

Plaintiff by and through its counsel, complains of the Defendant(s) and alleges as follows:

1. Plaintiff is a business in the state of Arizona.
2. At all times relevant hereto, Defendant(s) were residents of and/or the cause of action arose in the state of Arizona.
3. Defendant(s) entered into a rental agreement with Plaintiff to rent an apartment.
4. Defendant(s), after entering into such agreement, did utilize the apartment.
5. Defendant(s) did vacate the premises prior to the expiration of the term and/or did leave with an outstanding balance owing.
6. As of Defendant(s) owed Plaintiff
7. Demand has been made on Defendant(s) to tender the amount due, but no payment has been made by Defendant(s) to reduce the amount stated herein.
8. Pursuant to the lease agreement, Plaintiff is entitled to costs, interest, a collection fee of and attorney fees, if uncontested.

NOW, THEREFORE, Plaintiff prays for judgment against defendant(s) as follows: principal in the sum of \$, collection fee of \$, court costs estimated to be \$, interest as provided by contract or law, reasonable attorney fees of \$ (if uncontested), and for such other relief as may be available in the premises.

County Justice Courts, Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

PRO PER

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

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

JUDGMENT (Civil)

Amended

This matter was heard by the Court on this date _____

Plaintiff(s) appeared in person failed to appear

Defendant(s) appeared in person failed to appear

Judgment is entered upon default with hearing without hearing

Judgment is entered upon agreement of the parties.

Judgment is entered on verdict of the jury.

IT IS ORDERED granting judgment to:

Plaintiff(s)

Defendant(s)

\$ _____ Principal Amount

\$ _____ Principal Amount

\$ _____ Accrued interest, if any

\$ _____ Accrued interest, if any

\$ _____ Court Costs

\$ _____ Court Costs

\$ _____ Attorney fees, if any

\$ _____ Attorney fees, if any

\$ _____ TOTAL

\$ _____ TOTAL

With interest thereon at the rate of _____ % per annum on principal amount from the date of judgment until paid in full.

With interest on court costs and attorney fees of _____ % per annum from the date of judgment until paid in full.

IT IS ORDERED dismissing this claim with prejudice without prejudice

Date

JUL

JUL

I CERTIFY that I delivered / ma

l to

Plaintiff at the above address

Defendant at the above address

Defendant's attorney

Date: _____

**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.**