

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-063

Judge:

Complainant:

ORDER

June 18, 2020

The Complainant alleged a pro tem justice of the peace did not afford her son a fair trial, denied her son's right to be heard, and made improper rulings.

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

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

FOR OFFICE USE ONLY

2020-063

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.

We filed in Justice Court against _____ a certified mechanic who had _____ motorcycle at his home for greater than _____ year fixing a carburetor issues. Damage was caused by a former friend of _____ via text messages. Court date was _____ for _____ hours. I sat next to _____ to help him sort the paperwork for Judge _____ who asked me who I was. I said I was _____ mother and would help him with the paperwork because _____ was due to a brain injury. I was told I could not help and to go sit in the back of the courtroom. Witnesses testified to _____ parts on _____ cycle that they observed lying on the ground at _____ house. Judge _____ refused to view the _____ page text messages how the bike was damaged and also refused _____ to ask any questions or phone texts. We were told we could appeal, paid the fee and gave a copy of the texts to the court and was told another judge would review the case. Judge _____ reviewed the case saying with prejudice. I don't believe Judge _____ acted fairly towards my son knowing _____ had a brain injury who came to the court with evidence only to be thrown out because he didn't have the time to scan over texts on paper or phone. I believe Judge _____ did not show integrity by his words or conduct due to my sons disability. The Ariz. Code of Judicial Conduct ensures the right to be heard according to law which is an essential component of a fair and impartial system of justice.

Justice Courts, Arizona

MOTION TO: Appeal

RESPONSE TO MOTION

REPLY TO RESPONSE

If you have received this motion you have the right to file a response to this motion within ten (10) days from the date this motion was served. Your response must be filed with the court and copies of your response must be served to the other parties as provided by Rule 120 of the Justice Courts Rules of Civil Procedure. The court may treat your failure to respond to a motion as your consent that the motion be granted.

I am the Plaintiff Defendant

I would like the court to

- ① allow me to ask questions to defendant
- ② admit text messages as evidence to court
- ③ admit statement from welder who worked on my cycle
- ④ allow witnesses to retestify (wasn't previously prepared)

Statement of facts

witnesses that observed motorcycle laying on ground with broken parts at chads address, per welders report bike was abused and broken in new areas.

Legal support including Statute or Rule that applies

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

Date _____ Plaintiff Defendant

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

Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney

Date: _____ By: _____ Sign: _____

ORDER

Case Number

Upon reading the Motion Response Reply and good cause appearing.

It is ordered:

The court is hereby ordered

STANDS.

Date

JUSTICE COURT

COURT DATE:	TIME:	HEARING TYPE:	Bench Trial
PLAINTIFF:	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Not Present	<input type="checkbox"/> By Counsel
DEFENDANT:	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Not Present	<input type="checkbox"/> By Counsel
<p>Dismissed with prejudice.</p> <p>On _____ at the Bench Trial, the Court found Plaintiff did not meet its Burden of Proof and was not entitled to a Judgment and Writ as requested. The Case was decided on that date and time and a minute entry issued. The Clerk of the Court advises today that this matter shows up in the Court Records as still "Under Advisement." For clarification purposes, it is Ordered: The Complaint was dismissed with prejudice on _____ immediately following the Bench Trial.</p>			
<p>DATED: _____</p> <p align="right">JUSTICE OF THE PEACE <input type="checkbox"/> HEARING OFFICER <input type="checkbox"/> PRO TEM</p>			
<p>ALL PARTIES IN ANY CIVIL CASE HAVE THE RIGHT TO APPEAL BY FILING A NOTICE OF APPEAL WITH THE TRIAL COURT WITHIN (14) CALENDAR DAYS AFTER THE ENTRY OF THE ORDER, RULING, OR JUDGMENT APPEALED FROM, EXCEPT IN AN EVICTION CASE THE TIME LIMIT SHALL BE (5) CALENDAR DAYS. THERE ARE NO APPEALS FROM A SMALL CLAIMS JUDGMENT.</p>			
<p>Copy mailed to <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Garnishee</p> <p>DATE: _____ BY: _____</p>			

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