

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-071

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Judge:

Complainant:

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**ORDER**

June 25, 2020

The Complainant alleged that a pro tem justice of the peace made erroneous legal rulings and deprived him of a jury trial in an eviction case.

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 June 25, 2020.

20-071

**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.

Pro Tem Judge \_\_\_\_\_ made a ruling in the eviction case that Arizona evictions did not require observing the Arizona Rules of Evidence, did not require jury trials, despite the law providing a jury trial as a matter of right, and that \_\_\_\_\_ case did not have any effect on his subsidized \_\_\_\_\_ housing voucher.

However, due to the erroneous rulings of Judge \_\_\_\_\_ housing voucher was terminated without due process, without a jury trial, and without following the Arizona Rules of Evidence, and without the right to post a supersedeas bond on appeal by an indigent litigant.

\_\_\_\_\_ was only on notice that the limited issue for the eviction proceeding before Judge \_\_\_\_\_ was limited to possession of the unit being transferred back to landlord pursuant to a non-at fault non-renewal notice. Judge \_\_\_\_\_ ruled that \_\_\_\_\_ was not at fault and could not present any defense to eviction such as the retaliation for filing a health and safety drug and chemical fumes complaint and open sewage citation by the City of \_\_\_\_\_ which was presented to the City of \_\_\_\_\_ and \_\_\_\_\_ pursuant to A.R.S. 33-1381(A) ("A landlord may not...bring an action for possession after any of the following 1. The tenant has complained to a governmental agency charged with responsibility of enforcing a building or housing code of a violation applicable to the premises materially affecting health and safety.")

In the bench "trial" \_\_\_\_\_ attempted to examine \_\_\_\_\_ worker \_\_\_\_\_ regarding the open sewage complaint and drug complaints and chemical fumes complaints presented to \_\_\_\_\_ regarding landlord's property and the judge ruled that \_\_\_\_\_ Section \_\_\_\_\_ was not at risk and merely possession of the owner as indicated on the deed of the property was the only issue. However, \_\_\_\_\_ then used the non at fault eviction ruling to somehow unlawfully take \_\_\_\_\_ Section \_\_\_\_\_ voucher even though \_\_\_\_\_ made a ruling that \_\_\_\_\_ Section \_\_\_\_\_ voucher was not at stake and therefore a jury trial was unnecessary and moreover no due process needed to be followed and neither did the Arizona Rules of Evidence regarding whether landlord \_\_\_\_\_ notice had any legal effect on \_\_\_\_\_ due to lack of personal service of same which is a jury issue pursuant to Arizona Rules of Evidence Rule 1008.

\_\_\_\_\_ filed a timely appeal on \_\_\_\_\_ and Judge \_\_\_\_\_ mandated that \_\_\_\_\_ who was indigent and on a subsidized housing program pay nearly \_\_\_\_\_ in order to issue a supersedeas bond to remain on a means tested subsidized housing program. Because of this erroneous ruling of Judge \_\_\_\_\_ unlawfully terminated \_\_\_\_\_ Section \_\_\_\_\_ voucher which required federal litigation against the City of \_\_\_\_\_ all of which could have been prevented had Judge \_\_\_\_\_ simply accorded his Fourteenth Amendment procedural due process of a jury trial and a waived or semi-reasonable supersedeas bond. \_\_\_\_\_ could have paid the Section \_\_\_\_\_ contracted rent of \_\_\_\_\_ per month for the supersedeas bond in order to prevent his housing voucher being terminated by \_\_\_\_\_ yet the \_\_\_\_\_ supersedeas bond was impossible. This led to homelessness and damages suffered including over \_\_\_\_\_ emergency room visits for damages due to being homeless, exposure to the elements, back pain for not having a bed to sleep in anymore, and sleep deprivation related damages. As Judge \_\_\_\_\_ is immune from liability due to judicial immunity, the damages

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**FOR OFFICE USE ONLY**

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and relief will be pursued against the City of \_\_\_\_\_ for improper administration of the Section \_\_\_\_\_ program and landlord \_\_\_\_\_ for Fair Housing and ADA violations. However, Judge \_\_\_\_\_ judicial immunity does not excuse the need for additional federal litigation to obtain an injunction and damages relief against the City of \_\_\_\_\_ yet had Judge \_\_\_\_\_ simply performed his judicial function in a competent manner, ancillary litigation would have been reduced. Therefore Judge \_\_\_\_\_ should be deemed incompetent as a judge and given retraining or barred from functioning as a pro tem judge anymore.

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