

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-233

Judge:

Complainant:

ORDER

October 22, 2020

The Complainant alleged a justice of the peace made a prejudicial ruling against her in an eviction proceeding.

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 J. Tyrrell Taber did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 22, 2020.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

20-233

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.

The decision was prejudicial.

There is proof on record that I paid. He tried to evict twice and it was dismissed.

Electricity and water he turned off and it is now in my name. The house is uninhabitable.

There is an order of protection in place in which he is using evictions to retaliate. I was improperly served. The process server broke in to serve the summons. The 5 day notice wasn't received.

other side

Continued

He already accepted payment
in and

deposited into his
bank account.

PLAINTIFF(S): VS DEFENDANT(S):	CIVIL MINUTE ENTRY PLAINTIFF'S ATTORNEY: DEFENDANT'S ATTORNEY:	CASE NO. Defendant's Address:
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COURT DATE:	TIME:	HEARING TYPE:	Eviction Action
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PLAINTIFF:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> By Counsel
DEFENDANT:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Not Present	<input type="checkbox"/> By Counsel

The Court, being fully advised in the premises, finds Plaintiff is entitled to recover by his complaint. A Writ of Restitution (Order of Eviction) may be issued on _____ and is effective immediately upon being served.

NOTICE TO DEFENDANT

Pursuant to §12-1178(E), as amended, provides that a defendant who is lawfully served with a writ of restitution and who remains in or returns to the dwelling unit or remaining on or returns to the mobile home space or the recreational vehicle space without the express permission of the owner of the property or the person with lawful control of the property commits criminal trespass in the third degree pursuant to section §13-1502.

Rent in the sum of \$ _____ Total judgment \$ _____
 Plus daily rate of \$ _____ per day from _____ until premises are vacated.
 Interest of _____ per annum from _____
 ~ 5 day Notice for Non-Pay't was properly served.
**NO WRITTEN LEASE. DEF FAILED TO PROVE RENT WAS PAID. COVID ILLNESS POTENTIAL.
 EXTEND THE WRIT OF RESTITUTION TO _____ COURT DISMISSES IRREPARABLE BREACH
 COMPLAINT. COURT GRANTS NON-PAY'T OF RENT.**

DATED: _____

 JUSTICE OF THE PEACE HEARING OFFICER PRO TEM

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. PURSUANT TO RECORDS RETENTION AND DESTRUCTION SCHEDULE, YOUR EXHIBIT(S) WILL BE DESTROYED UPON DISMISSAL, DISPOSITION, OR FINAL APPELLATE RULING WHICHEVER COMES LATER.

Copy mailed to Plaintiff Defendant Garnishee

DATE: _____ BY: _____

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

RENT RECEIPT

has paid rent for

from

to

Rent of \$

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

MOTION TO: DISMISS COMPLAINT

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:

DISMISS Eviction action

Statement of facts:

A.R.S. 33-1371 B provides that if a landlord accepts partial payment of rent he waives the right to terminate the rental agreement for that breach. As such plaintiff filed the complaint prematurely in the month of _____ Also, plaintiff failed to attach a ledger or accounting as required by Rule 5 as amended on _____ of the Rules of Procedure for Evictions.

Legal support including Statute or Rule that applies:

- A.R.S. 33-1371 B provides that if a landlord accepts partial payment of rent he waives the right to terminate the rental agreement for that breach. As such plaintiff filed the complain prematurely in the month of _____ Also, plaintiff failed to attach a ledger or accounting as required by Rule 5 as amended on _____ of the Rules of Procedure for Evictions.

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

Please email all notices to _____

Date _____ Plaintiff Defendant

I CERTIFY that a copy of this document has been or will be mailed on _____	
<input checked="" type="checkbox"/> Plaintiff at the above address	<input type="checkbox"/> Plaintiff's attorney <input type="checkbox"/> Defendant at the above address <input type="checkbox"/> Defendant's attorney
Date _____	By _____ Signature

**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.**