

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-354

Judge:

Complainant:

ORDER

March 4, 2021

The Complainant alleged a pro tem justice of the peace (now retired) entered a judgment against him without jurisdiction to do so.

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 March 4, 2021.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

20-354

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.

Justice of the Peace, Judge Pro-Tempore, _____ did not execute his due diligence and investigate the subject-matter jurisdiction in this matter before issuing his ruling. His failure to investigate and confirm whether his court has authority to treat resulted in an illegal ruling and judgment against me. It was determined by the _____ that the Plaintiff, _____ was in violation of several state laws under Title 6 and the Arizona Constitution for opening an account for, extending its credit to, me as well as pursuing collection of the alleged debt for not possessing the required licensing/permitting as required by law to operate legally as a bank in the state of Arizona. (See attached Minute Entry dated _____ filed _____)

As stated by the _____ in the Minute Entry,

"A court's jurisdiction is limited to what the state's constitution and statutes permit. E.g., Grosvenor Holdings, L.C. v. Figueroa, 222 Ariz. 588, 595, ,13 (App. 2009); see also Falcone Bros.& Assocs., Inc. v. City of Tucson, 240 Ariz. 482,487 (App. 2016) (recognizing that a court's jurisdiction can be "limited by law"). As such, "Li]urisdiction does not relate to the right of the parties, as between each other, but to the power of the court," including whether the court has authority to "render a particular judgment." Sil-Flo Corp. v. Bowen, 98 Ariz. 77, 81-82 (1965)(citation and internal quotation marks omitted). And, this court, like all Arizona courts, has a duty to inquire into subject matter jurisdiction, even when no party raises the issue. E.g., State v. Yegan, 223 Ariz. 213, 215, ,6 (App. 2009) ("Because subject matter jurisdiction can neither be waived nor conferred by agreement, we have an independent duty to confirm jurisdiction before reaching the merits of an appeal"); Sorensen v. Farmers Ins. Co. of Ariz., 191 Ariz. 464, 465 (App. 1997) ("Although neither party has raised the issue, this court has an independent duty to determine whether it has jurisdiction to consider an appeal")."

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When recorded, please send to:

this area reserved for county recorder

vs
Judgment

DO NOT REMOVE

This is part of the official document.

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BY:

I hereby certify that this document is a true and correct copy of the original, entered and filed in the Court.

Date _____

Justice of the Peace

Attorneys for Plaintiff
Telephone:
Facsimile:
Email:
File number:

Clerk

IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE

Plaintiff,

Case No.

JUDGMENT

vs.

Defendant

NOW, THEREFORE, IT IS ADJUDGED AND DECREED that the Plaintiff is granted a

Judgment against _____ as follows:

- | | |
|--|----|
| 1 . Principal | \$ |
| 2 . Accrued costs through date of Judgment | \$ |
| 3 . Less amount paid on account | \$ |

All accruing post judgment interest at the legal rate of 5.75% per annum, until paid.

DATE: _____

By the Court

Justice of the Peace
Pro-Tempore

MONEY JUDGMENT INFORMATION STATEMENT
FOR RECORDED JUDGMENT

JUDGMENT DEBTORS:

LAST KNOWN ADDRESS:

ADDRESS SERVED: SAME AS ABOVE

JUDGMENT CREDITOR:

AMOUNT OF JUDGMENT: \$

SOCIAL SECURITY NUMBER:

DATE OF BIRTH:

STAY OF ENFORCEMENT: NOT IN EFFECT

**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.**