

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-156

Judge:

Complainant:

ORDER

January 25, 2022

The Complainant alleged that a justice of the peace did not follow COVID-19 guidelines and failed to follow the law.

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 January 25, 2022.

I, _____ am attempting to open an investigation against, _____ a Justice of the Peace, of the _____ who was the judge assigned to my case, case number _____

- wrongfully reset my court date
- deliberately falsified documented court information
- wrongfully dismissed my case
- wrongfully refused to reopen my case

also:

- violated court procedures for covid-19
- failed to inform me of necessary court information, that would have prevented my case's dismissal
- claims she is following laws that do not exist
- has unnecessarily gone against things that can be confirmed by court records, a court employee, and my own followings of court procedures and rules
- did not write any helpful information on her reply to my form to reopen the case, in order to assist me in letting me know why my case would not be reopened, or what I could do further with my situation

The first court hearing I had with _____ was on _____ I had used a phone call to access the court hearing. I was prepared and ready, that day, to discuss my side of the case, in order to have the case ended that day.

_____ stated, when the court hearing began, that she was not doing trials by phone; she was only doing trials by zoom. I stated that I could not do a trial using zoom that day, because I did not have zoom capabilities on my computer at home.

_____ informed me; because the case was not going to proceed that day, that the case, if I wanted to appear in court in person, might take twelve months to have occur. I told her I would wait the twelve months in order to appear in court. She was taken back by this response and gave out a noticeable pause. I do not believe the pause was because she had not expected this response on my part; finding it unusual — because people often allow for later court dates for more time to do things correct in court cases, but because she was only doing trials by zoom, and she was anticipating me possibly questioning that on her part, which I did not do.

There was some brief discussion, and I restated to _____ ; because she had not stated what day the new court hearing would be, that I could wait for a length of time to do another court hearing in order to appear in person, and she told me she would just dismiss my case; stating there would be a dismissal instead of waiting.

There was some more brief discussion about several things, but two relevant statements made by _____ during this final discussion, was that she was only doing trials by zoom because she had to see faces, and that the next court hearing was not going to be the trial itself; only an update to find out what the situation would be with everyone. She scheduled the next court hearing for a later date, and the court hearing that day finished.

- _____ violated the court procedures for covid-19. The court procedures for covid-19, set by the Arizona Supreme Court, allow for the court cases to be done by phone or by zoom, because being in the courtroom is not allowed. The court procedures even allow people who do not have a phone of their own, to use a specially designated phone at the courthouse. The court procedures for covid-19 do not allow a judge the exclusive decision to only hold court cases by zoom. A judge must allow court cases to be done by phone and by zoom; a judge cannot choose to only hold a trial by zoom.

The court procedures for covid-19 also, do not allow a judge to bypass the phone option for a zoom only option, if the judge only wants to do court hearings by zoom, by threatening to dismiss a case; not allowing it to be postponed for some time, in order to force an individual to do a zoom trial — because the only other option is a case dismissal. _____ used this method to threaten me, in order for her to get me to do a trial by zoom, and not allow me to wait until the courtrooms were accessible to the public.

- _____ wrongfully reset my court date. I was prepared and ready to have my trial take place that day, in order to finish it, and I had the right to do my trial that day by phone; a right allowed to me by the court procedures for covid-19, and _____ did not have the authority set by the court procedures for covid-19, to take that right from me, and reset the court date, simply because she exclusively wanted to do all court hearings by zoom.

I received a letter from the court a little while later. The letter stated when the new court hearing would take place, and also stated a reason for the new hearing. The stated reason was that I had refused a zoom trial. I was not pleased with this statement in the court records because it was not true; I had never refused a zoom trial — I had not been able to do one that day, because I did not have the zoom app on my computer. I thought a stenographer, or a court clerk, had written that, and I was not pleased, because I had been very clear about that.

The letter was also an example of _____ not following the court procedures for covid -19, because it stated the court date was being rescheduled because I had refused a zoom trial; implying she was exclusively only doing zoom trials, which was a right she did not have.

The court hearing was set for _____. I called the number to access the court hearing five minutes before it was set to begin. A recorded voice told me that the trial had not started yet. I hung up, took a brief pause, and called again, and the voice told me the trial had not started yet. I called at _____, and when the voice said the same thing again, I felt there was something wrong.

I started calling the _____ information call line, and I kept trying the number to the court hearing, but no one was answering. The information call line had various options on its menu, and I used three different options which were most relevant. I was not able to reach anyone quickly; it took about forty-seven minutes of continuous calling, but I finally reached someone.

The woman who answered at the information call line was named _____. I did not tell her I had forgotten my court time and was just now calling, or that I was confused about my court time and was just now calling; I told her right away my court date and time, and that I had called five minutes before my court hearing was to begin, and that I had been continuously calling the number to access the court hearing; getting the recorded voice, and that I had been continuously calling the other numbers.

_____ told me that the judge had dismissed my case at _____. I asked _____ if someone could go tell the judge I had been calling five minutes before the court hearing was scheduled to start, and that I had not been able to get through to anyone until just now, in order to get the trial started again, but she said she could not. I asked if I could speak to _____ supervisor; to get the supervisor to help, but _____ said the supervisor would not answer the phone call; I could only leave a message on the supervisor's voice mail and wait for a call back.

I talked with _____ and found out the code I pressed to access the court hearing; the meeting ID, after the call was made, had been changed. I told _____ I remembered a letter informing me of this access code for the first court hearing, but I did not get a letter like that for the second court hearing; I had only received a letter with the new court date and time for the second court hearing. _____ said court records showed this letter had been sent to me, and I told her I had not received it.

_____ told me, in order to try to have my case possibly reopened, I had to fill out a form informing the judge; _____, what had happened and why, that the judge would read, and then the judge would decide if the case would be reopened or not, and that I would have to pay a court fee in order to have this form submitted. _____ told me also, that she would report my situation to her supervisor, but her supervisor never called me back.

_____ also, before the phone call ended, when she was reading my court documents, pointed out, in a suspicious voice; like I might have been guilty of something, that I had refused a zoom trial. I told her I had not refused a zoom trial; I told her I had not had zoom access on my computer when the first court hearing began that day, so I could not use zoom at that time.

- _____ wrongfully dismissed my case. She did not allow enough time for me to reach the court hearing. She only allowed thirteen minutes to pass before she dismissed an entire case, which a person spends money and time on and needs to have resolved. _____ could have; especially because the court hearing that day was not the trial itself — just a current situation review, postponed the trial for a few weeks, or at least an hour, so I could get

through to the court hearing.

also had access to a phone, and to people who had cell phones; she could have postponed the trial for an hour to try to have someone call me, or during the court hearing have someone call me — which was what I was hoping someone would do while I was trying to get through to the second court hearing.

The dismissal was wrongful because computers and phones can run into trouble when people are trying to use them, and the court procedures for covid-19 are new, and people outside the system might not do everything right and need some time to fix the problem — so dismissing the case after just 13 minutes was not enough time to give someone.

I went to the _____ building on _____, to fill out the form I needed to reopen the case. I had priorly searched through my kitchen counter with its small amount of newspapers, papers, magazines, and mail, and I had also searched the trash in the home's wastebasket, but could not find the letter with the meeting ID for the second court hearing; although it should have been easy to see earlier if it had been there. I had also checked my voice mail on my phone, but no one had left any messages from the Court.

I talked to a woman at the courthouse where they talk with people and take their paperwork. The woman I was talking with said the letter with the meeting ID for the second court hearing had been sent the week before the trial. I said I had never received it; thinking that if it had been sent recently it should have still been on the kitchen counter, or in the wastebasket — the wastebasket had not been emptied for a few weeks. She also said a phone call had been made to my home, and I thought if that was true, no one had left a voice message on my phone.

The woman also, while she was reading my court documents, pointed out, in a suspicious voice; like I might have been guilty of something, that I had refused a zoom trial. I told her I had not had zoom access on my computer when the first court hearing began that day, so I could not use zoom at that time.

The woman was not sure what I was talking about, when I asked about a form to reopen a case, so I asked to speak to her supervisor. The supervisor came and I explained my situation. The supervisor knew what form I was talking about. He looked over my information, and I asked him some questions; after he confirmed my mailing address and the phone number that I checked for messages was what the court was using to send information to me. I asked about the change to the meeting ID, and he said it changes every week.

- _____ failed to inform me of necessary court information that would have prevented my case's dismissal. _____, as a judge who is working with the new communication methods to the court, would have known that the meeting IDs are changing every week; so, I should have been informed by her about this during the first court hearing — so, I

would have known about this, gotten the new meeting ID by calling the court beforehand when no letter arrived, been at the court hearing by phone, and not had my case dismissed.

The new meeting ID would also have been impossible for me to know about if I had not seen the letter telling me about it, and possibly if I had not answered every phone call to me; because at the time when I began preparing to fill out paperwork in order to file a lawsuit to the Court in _____, there was no mention of this changing meeting ID anywhere on the Court's website, no other letter I received from the Court had any mention of this changing meeting ID, and no one from the Court left me any voice messages on my phone about anything.

The supervisor also, when he was reading my court documents, pointed out, in a suspicious voice; like I might have been guilty of something, that I had refused a zoom trial. I told him I had not refused a zoom trial; I told him I had not had zoom access on my computer when the first court hearing began that day, so I could not use zoom at that time. I told him that I could not believe a court clerk had written that; implying whichever court clerk had written it was very irresponsible. The supervisor told me that the judge had been the one who had placed that statement into the court documents.

- _____ deliberately falsified documented court information. _____ knew, because I had been very clear, that I could not use zoom that day on my computer, because I did not have the zoom app set up on my computer. I never, at any time, told her I refused a zoom trial, or would not, later on, do a zoom trial. I never said "_____, " "_____, " "_____, " "_____, " or "_____." _____ deliberately lied, and deliberately put false information into the court documents, because stating "_____" with a valid reason, is very different than stating "_____."

_____ may have deliberately falsified this court information, because she thought that she might dismiss my case later on, because I did not have zoom, and she only wanted to do court hearings done by zoom; so, she might have deliberately falsified this information, to make her look better, if she wanted to dismiss my case later on — the court falsified records would make it look like I had never been cooperating with her, and she would have had a seemingly valid reason to dismiss my case. This scenario was slightly occurring; everyone who was looking at my court documents was questioning why I had refused a zoom trial — talking like it was my fault my case had been dismissed, because I had refused a zoom trial and not cooperated with _____ when I had the chance.

This might also explain why she dismissed my case so fast, and then refused to reopen it, or explain exactly why it was dismissed, or explain exactly why it was never reopened — she did not want to deal with anyone who might not eventually use zoom — so, she simply dismissed my case for no reason, which was what she had threatened to do when I was speaking to her during the first court hearing.

**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.**