

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-186

Judge:

Complainant:

ORDER

January 25, 2022

The Complainant alleged that a justice of the peace was prejudiced against her, and should have disqualified herself due to a friendship with opposing counsel.

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 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 members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 25, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-186

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.

RE: CASE
DATE OF INCIDENT:

Confidential

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

OFFICIAL COMPLAINT AGAINST: Judge

My name is [redacted] I am a [redacted] resident of [redacted] I had a court appearance before Judge [redacted] who was egregious in constituting misconduct. She should have recused herself. I learned she is a personal friend of the opposing attorney, [redacted] phone number, [redacted] told me they were friends and that the judge, as in [redacted] was someone he knew well who would rule against me, for she has ruled for [redacted] firm a number of times. This judge failed to promote the independence, the integrity and impartiality of the judiciary by allowing the manager of the [redacted] to wantonly law, because the decision has been decided before I even presented my case on [redacted] I can prove the Judge did not reprimand or even warn the [redacted] that she was under oath. I had to let the judge know it was her job to reprimand the manager for out and out lying. In fact, I am submitting a letter to this body to prove that not only did I show this manager the contractor's pictures of him sealing holes at [redacted] the manager [redacted] promised me a settlement. To that end, on [redacted] I wrote it all down in a letter and sent it to [redacted] She lied on the stand, saying it didn't happen. The judge refused to acknowledgement or look at this letter in court which was integral in proving I had damages; and that [redacted] had agreed to pay them once she got the okay from her attorneys. Lies were told. THE JUDGE NEVER LOOKED AT OR JUSTIFIED THIS EVIDENCE. I told [redacted] n the hearing he lied. HE TOLD ME [redacted] had been fired. [redacted] of [redacted] admitted on tape he lied AND ALL of this proves I adequately substantiated my damages. Again, the judge overlooked this violation of the code of ethics, because she had a pre-determined predilection to rule for the defense side against me because of her friendship with [redacted] and because of my [redacted] was unable to avoid impropriety. She was unable to view the evidence; and when the opposing attorney was confronted by me at the end for lying, the judge did nothing to reprimand [redacted] not the way she pounced on me. The defense therefore continued to lie; knowing the judge was incapable of sanctioning them the way she did me the whole time. The judge then inserted herself into the case by saying her purse was worn too like mine; that had been chewed up by rats. But I presented the purse as evidence that rats had chewed up my purse, furniture, pillow, mattresses to the point I had to hire a contractor to seal many of the apartment's holes. Heavily compromised, [redacted] had no intention of ruling in my favor. This Justice of the Peace lacked impartiality, detachment, independence, neutrality and subjectivity. She was heavily compromised because of her friendship with [redacted] and, because of her tendencies to rule for [redacted] Justice [redacted] did not comply with the law including the code of judicial conduct Ariz Co. Jud Cond 1.1. When [redacted] failed to appear for pre-court hearing, on [redacted] the next judge that heard the hearing

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denied me a jury trial because of the pandemic. Since prior to [redacted] had bragged to me about his friendship with Justice [redacted] I begged for a jury trial and was denied. I told the judge that sat in for [redacted] "The reason I told the judge this, a male judge, is because [redacted] proudly admitted to me he knew [redacted] We're apprised by the court that we must be prepared for trial and have with us all documents and witnesses needed to establish their claim defense or counterclaim. Evidence and testimony cannot be submitted for consideration after the Justice of the Peace has heard the case unless ordered by the court. This is why [redacted] lied about [redacted] (being fired) he and [redacted] had a plan. The [redacted] being fired, was vital to my case; so I could not adequately prepare of course when [redacted] told me [redacted] was fired. That, along with his admitted friendship with [redacted] I had no chance. This is why [redacted] ignored stark evidence in my case; and or she was incompetent and could not counter when [redacted] took the stand and lied and said she never saw the contractor pictures or agreed to settle; when it fact it was memorialized to her in a letter. Furthermore, to substantiate that the court, that Justice [redacted] and the opposing attorney were all set against me, prior to [redacted] I told [redacted] the [redacted] that [redacted] agreed to settle the case and things were going well. So, everyone knew [redacted] lied on the stand and the judge let her. In fact, all three lied in court; and all of them were against me and all ignored my evidence, my letters, my costs. The judge stirred my ire by repeatedly ignoring evidence that I won my case. I gave her pictures of twenty inch deep holes in the wall; holes beneath the sink in the kitchen, the bathroom, behind the stove, the kitchen island. I have attached all the letters I gave the judge that would corroborate my stories that she flat out ignored and lied for being compromised and she should have done us all a favor and recused herself.

All in all [redacted] had desired to maintain her friendship with [redacted] she was prejudiced against me because of [redacted] and she wantonly ignored clear evidence to preserve a friendship with the opposing side. Justice [redacted] took the coward route knowing I had won my case. To maintain her friendship with [redacted] she issued a dismissal and then refused to send me my court records back; she refused to route to me the dismissal. The judge allowed evidence from [redacted] that was manipulated in small print that nobody could read.

My letter to [redacted] is as follows

From:
Sent:
To:
Subject: Urgent re:

Dear

With all due respect, I know you said you would call me later, but if you are not calling with a viable settlement of at least 3,500, I am asking that you refrain from contacting me. Your conduct was prejudicial to the administration of justice. Because I am cognizant you used your legal powers of advantage to inconvenience me at every frame/stage to persevere for your client by using [redacted] and today's judge to move conferences and trials without me understanding these phases of change. Today, I told the judge I felt bamboozled. I asked for a jury trial, and was denied and here's why. Because [redacted] and a [redacted] and have amicably proved my case to you in a friendly manner you took for granted - at the first

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hearing, where [redacted] did not show up, you violated ER.4.4 under the bar association. You are required to have respect for the rights of others, (not) you client...and I was denied these rights under the law. when you ascertained and seized upon my vulnerability. Under the Bar Association 8.4 your dealings with me are classically described by the Bar Association as Misconduct. You were dishonest. On several occasions you said you'd call about the case and did not. In front of the judge you even said you promised to call and did not. This presented as dishonesty, fraud, deceit and misrepresentation. You lead me to believe a settlement offer would be reached by your client before [redacted] when you told me before your client was adamant in not settling. You violated the Bar Associations legal restrictions on methods of obtaining evidence by examining my evidence and openly telling me you'd find law to shatter my precedence. You took pictures and pleasure in acquiring information and evidence from me outside the realm of the law. Your's was unwarranted intrusions into places legally you were not to go. Please know that: A lawyer who in the course of representing a client, knowingly manifests by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, gender identity or socioeconomic status, violates paragraph (d) when such actions are prejudicial to the administration of justice.

Also, you took advantage of me with [redacted] by filing a notice for today's procedure for improper purposes, to obtain a trial delay in violation in Rule 10.2(b).

This and these reasons are why I told the judge I was bamboozled in this process. You and yours placed me in the precarious position of going to trial without a jury. All that I mentioned here violates The Bar Associations Ethical standards for appropriate conduct. Therefore, unless you have a viable settlement for me of 3,500.00 please don't contact me, for you cannot be trusted.

You clearly took advantage of my age, [redacted] my race, [redacted] and because of your stated " [redacted] relationships with Judge [redacted] and the Judge that presided on this day.


Sincerely,

From:
 To:
 Cc:
 Subject:
 Date:
 Attachments:

5-Day Notice for General Non-Compliances of Tenant Lease

I have attached pictures of habitability issues that that must be maintained under this rental in the requested (5) days as follows:

The Arizona Residential Landlord Tenant Act sets out the obligations that a landlord must maintain a rental property. Under 33-1324 The Landlord is to maintains fit premises and that is not happening in my unit. Violation of the Habitability promises has occurred ten-fold hence warranting my serving on you today, a FIVE DAY NOTICE TO CURE because the rats, the holes, the defective stove warrant immediate attention.

“Upon this timely notification, the manager should abide by A.R.S. § 33-1324 and do whatever is necessary to put and keep the premises in a fit and habitable condition.” I moved into this premise in ruined condition and some were chronicled on my move in sheet; others arose out of pre-existing neglect I was not forewarned of. The cold water is hot, and the hot water is cold. There are mice/rats in the unit that come in beneath a very damaged countertop that I did not detect until I dropped something on the floor. This severely damaged cabinet should have been properly sealed/caulked/mended prior to my moving in. It is where the rodents present with gaping holes that should be sealed. Rodents have eaten my leg and right foot. I bought a brand-new coffee table and woke up this morning on and rodents had scratched and ruined my coffee table that I have had only 3 days. There are numerous holes in the wall (the bathroom); that have been covered to prove that rodent issues were here prior to my move in (Pictures) attached. Under section 4, a landlord must “supply running water and reasonable amounts of hot water at all times, that is LABELED accordingly. In the kitchen hot water is labeled cold, cold water hot. The stove smokes and is a safety hazard. This stove does not work and must be replaced. Moreover, fumes derive out of all 4 burners that make it impossible to turn on the stove. According to the law, the landlord has a general obligation to maintain the premises. Not to speak of children that run back and forth uncontested across the walk-in front of my door. They should be cordially directed NOT TO RUN and to play on the property’s play area, not in front of my door.

Because the landlord failed to rent this apartment to me in a habitable condition, I the tenant, can invoke MY rights under THIS Act. There are two main remedies I am seeking to address this noncompliant rental issue and they are as follows: A.R.S. § 33-1361 provides that I have a right to terminate my lease if a landlord/property owner fails to cure a breach within a specified time after my 5-day notice has been given. All this does not even included the harassment of being accused the week before. Please know that I am rendering a 5-day notice for issues at the property that constitute a health and safety violation because my doctor will have to give me a shot to avoid infection from the rat scratches and bites. I have come out my own pocket to set rodent traps, but a REAL Qualified Pest control

**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.**