

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-275

Judge:

Complainant:

ORDER

February 16, 2022

The Complainant alleged that a justice of the peace was not following 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).

Commission member Christopher W. Ames did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 16, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-275

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.

Plaintiff was assigned a judgment against _____ for collection. On _____ a wage garnishment was served on _____ via their Arizona Statutory agent _____ . After _____ failed to respond to the wage garnishment, a letter was sent to _____ for _____ notifying them that an Order to show cause would be requested if _____ Inc failed to respond to the wage garnishment. Again, after not receiving a response or answer, an Order to show cause hearing was requested and scheduled for _____ The hearing notice was served on _____ for _____

At the _____ Order to show cause hearing, Plaintiff presented the above information to Judge _____ and requested a judgment against the garnishee _____ No one appeared on behalf of _____ Judge _____ stated that although Plaintiff had met their statutory obligations whether Plaintiff had attempted to contact _____ at their address since some statutory agents are better at their job then others regarding notice. Plaintiff stated that the law only required Plaintiff to serve the statutory agent for _____ and not send additional notices to other addresses. Further, Plaintiff stated voice mails were left for _____ but never returned.

Regardless of this information, Judge _____ stated that Plaintiff needed to send written notice to _____ at their _____ address and send proof to the Court before a judgment would be granted against the garnishee : _____ This requirement is not necessary and contrary to the statute which requires service on corporations through their statutory agent. This is not the first time Judge _____ has required Plaintiff to show proof that a Garnishee was given additional notice besides being served through their statutory agent. This is not only contrary to the law but costs Plaintiff additional time and expense to show compliance with an arbitrary requirement by Judge _____

Justice Court

In And For The County Of

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Plaintiff(s), Represented By

vs.

Defendant(s), In Propria Persona

[Redacted]

Declaration Of Service

I, _____ being qualified under ARCP, 4(d) and 4(e), to serve legal process within the State of Arizona and having been so appointed by _____ County _____ did receive from _____ Attorney For The Plaintiff, the following Court issued documents, some of which were filed with the Court pursuant to Rule 5 of the RPEA:

Two Copies Each: Earnings Writ Of Garnishment/Summons, 2nd Notice To Debtor, Requests For Hearing, Instructions. Four Copies Each: Nonexempt Earnings Statement And Answer; Judgment. Mailed Required Copies To Defendant Within 3 Days Of Serving Garnishee

On _____ at _____ I personally served true copies of these documents as follows:

**BY LEAVING COPIES WITH
WHO IS AUTHORIZED TO ACCEPT FOR
WHO IS THE STAT AGENT.**

Documents Were Served At The
Business Located at:

Service Fees

Explanation of Fees

I declare under penalty of perjury that the foregoing is true and correct and was executed on this date.

Fee For 1 serve(s):

Fee For 7 miles:

Advanced Fees

Fuel Surcharge:

Miscellaneous Fees:

Certified / Mail Fees:

Document Prep Fees:

Total of Fees:

FAX

RE: 1
Garnishmen

Dear Sir/Madame:

It has come to my attention that _____ has failed to file a timely answer to the Writ of Garnishment served in the above-referenced matter. Arizona Revised Statutes Section 12-1593.13 (H); provides that if _____ continues to fail to answer the Writ of Garnishment, it may be subject to a default judgment and additional attorneys' fees. If I do not receive a copy of an answer to the Writ with the Non-exempt Earnings Statement from _____ within seven (7) days of the date of this letter, I will petition the court for an Order to Show Cause compelling _____ to file the answer, along with seeking costs and attorneys' fees. Hopefully, this will not be necessary.

Sincerely,

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Justice Court

In And For The County Of

Plaintiff(s), Represented By

vs.

Defendant(s), In Propria Persona

[Redacted]

Declaration Of Service

Date and Time of Hearing

I, _____ being qualified under ARCP, 4(d) and 4(e), to serve legal process within the State of Arizona and having been so appointed by _____ County _____ Court, did receive from _____ the following Court issued documents, some of which were filed with the Court pursuant to Rule 5 of the RPEA:

Order to Show Cause and Petition

_____ at _____ I personally served true copies of these documents as follows:

**BY LEAVING COPIES WITH
WHO IS AUTHORIZED TO ACCEPT FOR
WHO IS THE STAT AGENT.**

Documents Were Served At The
Place Of Residence Located at:

Service Fees

Explanation of Fees

I declare under penalty of perjury that the foregoing is true and correct and was executed on this date.

Fee For 1 serve(s):

Fee For 7 miles:

Advanced Fees

Fuel Surcharge:

Miscellaneous Fees:

Certified / Mail Fees:

Document Prep Fees:

Total of Fees:

ENTITY INFORMATION

Search Date and Time:

Entity Details

	Entity Name:
	Entity ID:
	Entity Type:
Domestic LLC	Entity Status:
Active	Formation Date:
	Reason for Status:
In Good Standing	Approval Date:
	Status Date:
	Original Incorporation Date:
	Life Period:
Perpetual	Business Type:
Any legal purpose	Last Annual Report Filed:
	Domicile State:
	Annual Report Due Date:
	Years Due:
	Original Publish Date:

**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.**