

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-289

Judge:

Complainant:

ORDER

The Complainant alleged that a justice of the peace gave her legal advice, which she relied upon, and was subsequently investigated for possible criminal charges.

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.

After review, the Commission found that the judge improperly gave legal advice to a litigant and engaged in ex parte communication with her. While this was improper under Rules 1.2, 2.2, 2.9(A), and 3.10 of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding him to refrain from giving legal advice and engaging in ex parte communication.

Commission member Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: August 12, 2022

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on August 12, 2022.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-289

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.

I FILED AN EVICTION ACTION

HEARING:

CASE WAS DISMISSED W/OUT PREJUDICE BECAUSE DEFENDANT WAS NOT ABLE TO BE FOUND BY THE SHERIFF TO BE SERVED AND SHERIFF NOTED THE PROPERTY ABANDONED AND STATED NEIGHBORS SAID SHE HAD MOVED. I ASSURED HIM THAT HER RV AND JUNK ARE STILL THERE.

JUDGE THEN EXPLAINS TO ME THAT DUE TO COVID REGULATIONS, MONATARY EVICTIONS CANNOT TAKE PLACE BUT HEALTH & SAFETY EVICTIONS CAN AND ARE IMMEDIATE. IT IS EXPLAINED TO ME HOW TO WORD IT AND I WAIT WHILE ALL NECESSARY FORMS ARE MADE READY FOR ME. I DO EXACTLY AS TOLD, BY STAGGS, IN AND OUT OF COURTROOM.

HEARING:

JUDGE GRANTS IMMEDIATE EVICTION ORDER DUE TO HEALTH & SAFETY VIOLATIONS. TELLS ME TO WAIT 24 HOURS THEN I CAN REMOVE ALL CODE VIOLATIONS REGARDING HEALTH & SAFETY FROM MY PROPERTY. I WAIT 24 HOURS AND START CLEAN UP PROCESS. I REMOVE THE RV AND PLACE IT IN PLAIN SIGHT IN MY DRIVEWAY 1/2 MILE AWAY. I BEGIN DRAGGING TRASH TOWARDS THE PROPERTY'S EDGE FOR AN EASIER ACCESS BY A TRASH TRAILER OR ROLL OFF. I FOLLOW THE JUDGE'S DIRECTIONS PERFECTLY AND EXACTLY.

THE SHERIFF IS POUNDING
ON MY DOOR YELLING THAT I
AM GOING TO BE ARRESTED FOR
VEHICLE THEFT.

JUDGE VACATES PREVIOUS
EVICTION ORDER AND WRIT
OF RESTITUTION - LEAVING ME
HUNG OUT TO DRY

SHERIFF CONTACTS ME ON

ON I AM MIRANDIZED AND
QUESTIONED AND RECORDED FOR
AN HOUR AT THE POLICE STATION,
I NOW WAIT FOR THE D.A.'S DECISION.

I HAVE NEVER BEEN IN TROUBLE. NEVER.
I DID EXACTLY AS JUDGE DIRECTED.
I DIDN'T GO TO LAW SCHOOL, THIS IS WHY
WE GO TO COURT OR CALL THE POLICE,
TO HELP US. HE WAS SUPPOSED TO BE
HELPING ME AND BECAUSE I DID WHAT HE
SAID, I MAY NOW GO TO PRISON!