

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-385

Judge:

Complainant:

ORDER

November 23, 2022

The Complainant alleged a justice of the peace made improper legal rulings in an eviction case and allowed opposing counsel to exhibit racial bias against her during a hearing.

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 November 23, 2022.

2021-385

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 attended an eviction hearing in which I requested that the courts dismiss the Plaintiff's complaint due to a violation of: A.R.S. § 33-1368(A).The landlord must give the tenant a written notice stating what the problem is and that the rental agreement will end after _____ days if the problem is not fixed immediately. The court must dismiss the eviction action, if the tenant did not receive:
A termination notice and an opportunity to fix the problems; or
the notice does not comply with the law or was not properly served RPEA 13(a)(2).

Judge _____ was made aware that not only did they violate the above, they also documented this violation on the eviction paperwork that was in his possession. He continued to ignore this and proceeded to say that he was granting the Plaintiffs judgement.

Next I informed Judge _____ that I was never personally served an eviction notice, and for that reason as well, the case must be dismissed. Service of process shall only be performed by a person authorized to do so under Rule 4(D) of the Arizona Rules of Civil Procedure. Return of service and proof thereof shall be made by affidavit. R. Proc. Evic. Actn. 5. Attorney _____ stated aggressively that I was personally served by the process server and the affidavit was filed with the court in which again I informed him that was incorrect and I could prove it was incorrect. Despite me being able to prove that the process server had falsified information about me being personally served, and filed it with the court, Judge _____ still stated that he would grant the Plaintiffs judgement and had no intentions of actually allowing me to prove that this was false.

Judge _____ proceeded to once again rule that a judgement be filed against me without actually following the law. In addition, I informed him that I had a counter suit in which the Defendant violated the Arizona Residential Landlord and Tenant Act and he immediately dismissed my counterclaim.

Judge _____ had a lack of respect for me as a pro se litigants and violated my due process rights. He allowed the Attorney to be condescending and unprofessional without any reprimand and was discourteous and impatient toward me. Attorney _____ was allowed to make demeaning comments toward me without Judge _____ correcting his misconduct. He showed clear biases as a judge, a _____, and it was a "good ol' boy type of court hearing.

All litigants should be afforded the right to be heard fairly in a patient, dignified, and courteous manner, and attorneys should be held to the Rules of Professional Conduct.

Such behavior exhibited by Judge _____ and Attorney _____ undermines the trust in the judicial system overall, especially between the _____ community and the Justice system when you have the Judge and Lawyer blatantly violate the law, and when the _____ Defendant attempts to defend herself the Judge allows the Attorney to state "she's very rude" and " please make sure she has more decorum in the courtroom next time" all while being demeaning himself.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2021-385

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Whereas Judge _____ and Attorney _____ are extended the courtesy of being unprofessional, discourteous, and aggressive, the statements that Attorney _____ labeled as being "rude" and "needing to have better decorum" is Tone policing which is a little-known microaggression that _____ women are often met with advice that their message would be better received, if only they said it in a "nicer tone."

"A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially."

Unfortunately that's not what occurred today

The hearing was rescheduled for _____ only because the Plaintiff requested that he has the Process server come to court and testify that he personally served me on _____ @ _____ pm, which I'm assuming is the fraudulent information that he put on the affidavit for the court. During that hearing I'll gladly prove to the court that the process server lied on the affidavit and why it's important for the Judge to actually listen to litigants fairly before making a decision.