

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-005

Judge:

Complainant:

ORDER

December 22, 2022

The Complainant alleged a justice of the peace was biased against a landlord in multiple landlord-tenant disputes.

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 members Colleen E. Concannon and Louis Frank Dominguez did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 22, 2022.

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

FOR OFFICE USE ONLY

22-005

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.

The following is a sample of cases that should provide some background as to why this Judicial Complaint against Judge _____ is necessary. It is my understanding that every case that is seen by this court should be judged as its own case and on its own merits, I don't think that this is the case for any of the rulings that I have received from Judge _____.

This trial was a Non-Payment of rent that was filed for around \$ _____, we provided all documentation and evidence to prove that this amount was due and owing. We spoke to the tenant outside of the court and came up with a payment plan option that made sense for both of us. When we began the trial, Judge _____ in my opinion was aware of my history as a landlord and on her own accord began to offer the tenant alternate defenses, such as how the condition of the property was and repairs that needed to be done. I think the Judge was unfair and not impartial to me and my case. Again, Judge _____ used the courts to continue on her personal vendetta against me.

Prior to moving into the property on _____, we signed a lease for a property on _____, where the tenant asked us to tear a wall down and to remove carpet and asked if she could be placed in alternate housing, we obliged her request. At the alternate property, the tenant at this residence cited some electrical issues and termites in the home, we made several attempts to go and inspect the property and the tenant refused to allow our maintenance people in the residence. The tenant was living in the home for several months without paying rent, the tenant even agreed that she did not pay rent. The tenant also did not provide written notice of the issues to the office as required by our Lease Agreement, but still remained living in the home. Judge _____ dismissed this action without prejudice, awarding no rent to be paid, no requirement to vacate the premises. Judge _____ used the following as reasons for decision: No Lease for unit tendered, knowledge of required repairs, failed to deliver possession, failure to maintain, unconscionable, security of more than 1-1/2, wrongful failure to supply essential service, not in good faith. There were admissions by the tenant that rent was unpaid, the tenant filed no counterclaim, there was no written notice of repairs needed, I even offered alternative housing while repairs were addressed on initial property. The tenant even said that her being in my property for only 2 months should only allow 2 months of rental concessions, even though the lease clearly states that the full concession becomes due if lease is broken.

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This case was regarding a security deposit being returned to one tenant solely. I tried to file a motion to get the second tenant added to the case but Judge _____ denied this attempt, even though there are laws that are related to the deposit being co-owned. There was no evidence to support the ruling that the Plaintiff was the sole owner of the deposit. The plaintiff did not follow the requirement for lease termination because of domestic violence and moved out of state a month prior to the termination of the lease and he was unable to provide any evidence that the "damages" were done after he was not responsible for the lease any longer. Even after all of this and no evidence or testimony presented on the side of the plaintiff, Judge _____ still ruled against me and awarded 3 times the deposit amount and dismissed my counterclaim as well. Judge _____ stated that I "failed" to present any testimony to support my stance. I was denied the opportunity to present my defense in full by Judge _____. I had an arbitration on the same day that lasted longer than I thought and even though I still arrived at the virtual trial during plaintiff's testimony and before he rested, and prior to the defense presenting my side, I was refused by Judge _____ to produce my defense because I was late. Eventually, after my attorney asked for Judge _____ to go on record regarding not allowing me to testify, I received exactly _____ minutes to give my defense which was unfair to me as it was not enough time to present an adequate defense. In addition to the 3x deposit award, Judge _____ even awarded attorney fees just because the plaintiff stated he previously sought free legal advice from _____, there was no attorney that was present for the court hearing on the plaintiffs behalf.

The defendant in this case failed to appear and Judge _____ reduced the rent amount and declined to allow the rental concessions returned to me based on the lease agreement. I didn't even have the opportunity to provide any evidence in this case or testimony. In my opinion, this also goes towards the clear bias and unfair treatment by Judge _____ towards me.

After another month went by and several attempts to fix the issues in the tenants residence and her refusal to allow our maintenance people into the property, rent still went unpaid, we filed a second eviction request. At the hearing, Judge _____ chastised mt Attorney for bringing the matter to the court again, and instead of following the Court procedures and setting it for trial if contested, Judge _____ instantly dismissed the case with prejudice and I didnt even have the opportunity to be heard, this allowed the tenant to live in the property rent free.

My attorney announced his appearance and the judge asked if the plaintiff was present. As every time before, I was not present and represented at the hearings solely by my legal counsel, this was the only time that the Judge ever asked about me being present. The Defendant in this case admitted responsibility and pleaded guilty to the case, Judge took initiative to offer a defense based on a deposit dispute. Even though my Counsel objected, it was stated by Judge that it was the Courts responsibility to investigate "unscrupulous" practices of Landlords. I don't believe that there were any other cases where the Judge investigated or where there were any implications of other Landlords being "unscrupulous". It is my opinion that I was treated unfairly and there was a clear bias towards me by Judge .

In conclusion, I think that every case that has been heard by Judge that were related to me were heard unfairly and it appears that Judge definitely overlooks the rules and laws that are set into place to protect the rights of people in her court and in my cases produces no evidence to support the negative rulings that are a consistent outcome of my trials and/or hearings. Because Judge doesn't like me for whatever reasons she may have, my court cases have become more of what I feel to be a personal vendetta and attack on my character as words like "unscrupulous", "not in good faith" and more have been used towards me in many of these cases. Unfortunately this is a small sampling of the litany of trials that I feel that I am having to defend myself rather than as the plaintiff in the majority of these cases because of Judge not being impartial or fair towards me.