

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-116

Judge:

Complainant:

ORDER

February 8, 2023

The Complainant alleged a justice of the peace made improper rulings in an eviction case.

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 Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 8, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-116

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.

Please see attached documents.

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Please see attached documents.

On _____ of the _____ knowingly violated
Arizona Code of Judicial Conduct, Rule 1.1 and 1.2. On _____
knowingly violated A.R.S. Title 33, Chapter 3, Article 4, Section F.

On _____ filed an eviction action complaint with the
_____. The _____ provided a _____ Court Eviction Action Packet and Pro
Per Intake Check List (see attachment A). The clerk advised _____ that
_____ required _____ eviction action complaints to be filed in accordance with the
provided Pro Per Intake Check List and Eviction Action Packet. _____ observed that
the _____ packet differed greatly from the eviction action packet provided on the
_____ County _____ Court website, _____ (see attachment
B). The _____ eviction action packet contained many additional mandatory forms and
required the plaintiff to provide additional forms and documents and consent to
documents created by the court. The _____ eviction action packet also contained
information and instructions that contradicted the addition of the mandatory forms and
documents listed in the Pro Per Intake Check List. The document titled,
_____, COURTS, in the paragraph named, FORMS Needed, provides unequivocal
proof of this claim (see attachment C).

The _____ eviction action packet contained a form titled Attestation of Plaintiff AO-
Compliance By Plaintiff (see attachment D). This form is listed in the Pro Per
Intake Check List. This form requires the plaintiff to make financial claims, divulge
information on personal financial decisions, divulge current and historical financial
information on the property and disclose data on the tenant's financial history, among
other requirements.

The _____ eviction action packet contained a form titled ATTENTION TENANT
ATTENTION TENANT (see attachment E). This form is in fact legal advice directed at the
tenant with the intention of undermining the rights of the plaintiff and homeowner. This
form advises the tenant to follow specific and detailed instructions designed to postpone
or delay the eviction action process.

_____ omitted all of the additional mandatory forms listed in the Pro Per Intake
Check List required by the _____ court. _____ followed the guidelines provided
on the _____ Court website (_____), and the
form titled _____ COURTS, in the paragraph named FORMS Needed
(see attachment C), and filed only the Summons, Complaint and copy of the notice. The
clerk accepted _____ complaint. _____ received a court date set for
_____ at _____.

_____ was present in the courtroom on _____ at _____
_____ was the only other person present in the courtroom during the trial. There were no
or _____ present in the courtroom during the trial. The defendant was
present virtually via telecommunication.

During the trial observed the omission of the mandatory technical forms in the complaint. stated that the complaint packet was incomplete. asked to provide or cite the law, statute or code that gave him authority to adopt or enforce mandatory technical forms for pleadings in a forcible detainer action. refused to cite a law, statute or code and refused to provide an adequate response. answered by directing to the website asked two additional times to provide or cite the law being used to demand the additional forms. responded each time by directing to became visibly distraught and increasingly agitated by questions. announced the case was dismissed. asked once more for to provide or cite the law he was enforcing. responded by stating that he already answered the question four times and that was to leave the building and be escorted out by security. left the courtroom then left the building. A copy of the complaint with the judgment written by was obtained by and is provided as an attachment to this judicial complaint, (see attachment G). The complaint copy shows the case was dismissed for being incomplete and not containing the Attestation of Plaintiff AO- Compliance By Plaintiff.

The acceptance of complaint by the is sufficient proof that the complaint was not lacking information or was incomplete in any way. By dismissing the complaint for being incomplete adopted and enforced a rule and policy that requires mandatory or technical forms for providing notice or for pleadings in an action for forcible detainer. directly violated A.R.S. Title 33, Chapter 3, Article 4, Section F, (see attachment F).

By violating A.R.S. Title 33, Chapter 3, Article 4, failed to comply with the law and in doing so violated the Arizona Code of Judicial Conduct, Rule 1.1.

disadvantaged by unjustly requiring him to disclose additional information. knowingly disadvantaged by requiring him to sign the Attestation of Plaintiff, a document created by the court specifically for the plaintiff. This unequal treatment by is evidence of impropriety. By requiring to make financial claims, divulge information on personal financial decisions, divulge current and historical financial information relevant to his property and disclose data on the tenant's financial history, clearly and willfully showed impartiality. By requiring a policy that forced to make the aforementioned private information available to the public by way of publicly available court records, destroyed public confidence in the judiciary. By enforcing a policy that required to provide the defendant with legal advice designed to undermine his position, violated the impartiality of the court and public confidence in the independence and integrity of the judiciary. By failing to provide or cite the legal authority for his actions, damaged public confidence in his authority and the acted in a manner that erodes public confidence in the judiciary. For these reasons violated the Arizona Code of Judicial Conduct, Rule 1.2.

Requiring only one party in any matter to unjustly disclose additional private information places that party at a disadvantage and makes clear the impartiality of the court. Through his actions _____ sought only to unilaterally and preemptively disadvantage _____ in favor of the defendant. _____ did not require the defendant in the matter to provide any information, make financial claims, attest or submit any documents or forms to the court prior to the trial. The position taken by _____ is a willful violation of the law and was ostensibly intended only to complicate or forestall the process of the eviction and erode _____ rights in favor of the defendant.

The aforementioned complaint goes well beyond judicial misconduct. _____ not only violated the Judicial Code of Conduct, but the law as well. I ask the Arizona Commission on Judicial Misconduct to take swift action in this matter. _____ has engaged in conduct that compromises the independence, integrity and impartiality of his position and undermines public confidence in the judiciary.

**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.**