

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-141

Judge:

Complainant:

ORDER

December 22, 2022

The Complainant alleged a justice of the peace made improper rulings in a garnishment proceeding.

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 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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY**2022-141****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 Judge met with me to lower the wage garnishment. I had also filed a motion to vacate the judgement because I had never been served. The judge and the plaintiff _____ have been plotting my demise for the past _____ years and I only learned about this while working for the _____.

When I explained to the judge that I had never been served, she pretended like I never said nothing, she also heard the plaintiff say that they had my drivers license and because of this they used my ID and described my features weight, height, race and more. The plaintiff used this information and lied and said they served me; I was asking very important questions like according to the contract they had access to my bank account in _____. The payments would be taken automatically. _____ years later I am hearing for the very first time that they were never paid and instead of the _____ now they want over _____, and my question was how where the letters are explained that my checks were bouncing and overdraft fees. I would think in a situation like this they would have put a lien on my bank account, take my car since it was a car title loan or something but know I have never heard anything from this company until right now _____ years later and the plan was to make money is why they faked service to me _____ years ago because they were at their _____-year mark. / _____ are crooks and Judge _____ is part of it. She has been signing off on that paperwork for years and mailing it off to a address that have nothing to do with me. I asked her how she could decide like this when the plaintiff have not shown her not one piece of evidence. All she said was do you want the wages to be deducted at _____. I was humiliated and I knew right then that she is using her position of authority in inappropriate ways. She treated me like I was invisible and though I went over to _____ to learn about the account from _____ years ago and the branch manager explained they only go back _____ years and this situation had been _____. I have never seen a judge that appears to be so disingenuous and heartless in all my life. It seems like she should have been asking the same questions that I was asking had you reached out to the defendant before now, When the plaintiff admitted to using the drivers license to complete the service. The plaintiff and the judge both behaved like crooks, and I thought that I should let you know what is going on in your courtroom. Thank you

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The judge never asked the plaintiff for any evidence of their accusations about me. She heard the plaintiff say that they used my driver's license to create the letter of service when in fact I had never been served and only learned about this situation from my employer. The Judge and the plaintiff had been signing documents and mailing to an address that I had not occupied in more than years.

In my observation the judge already had a made-up mind she was simply going through the motions and held zero accountability towards the plaintiff. They could have got away with murder and the judge behavior was that she had absolutely no words or questions for them. as she stated towards the end the judgement is in place and we are not going to debate that all we want to know is if you want : or prior to that she had asked me why I wanted to vacate the judgment. Shen then asked the plaintiff if they were familiar with what I was presenting to the courts and though the plaintiff said yes, she never went over it. The judge was the one that explained that we could do both but in all honesty she didn't even want to entertain the thought because she that she would have to deal with facts and she didn't want to travel down that road because the fact is the business transaction happened years ago and if i had been negligent in anyway then they would have had to show that and they didn't because they could and i could prove that i paid them years ago because could only go back years and now it's been years. This wage garnishment should not have ever existed because I was never served and because there are no facts that shows that I was negligent in anyway. What we have here is my word against theirs and that is it.

County

Courts, Arizona

Court

CASE NUMBER:

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

The Statutory Agent / Corporate Officer to be served is:

SMALL CLAIMS COMPLAINT and SUMMONS

WARNING: THERE ARE NO APPEALS IN SMALL CLAIMS CASES. You do not have the right to appeal the decision of the Hearing Officer or the Justice of the Peace in Small Claims Division of this Court. If you wish to preserve your right to appeal, you may have your case transferred to the Civil Division of the Justice Court pursuant to ARS 22-504. If you request such a transfer, it must be made at least ten (10) judicial days before the day of the scheduled hearing.

NOTICE AND SUMMONS

TO THE ABOVE-NAMED DEFENDANT(S): You are directed to answer this complaint within **TWENTY (20) DAYS** by filing a written ANSWER in the court named above. If you do not answer or defend, you run the risk of having a judgment entered against you for the amount of plaintiff's claim, plus court costs. A filing fee must be paid when your answer is filed. If you cannot afford to pay the required fee, you may request that the Court either waive the fee or allow you to pay in installments.

Date: _____ Clerk: _____

PLAINTIFF'S CLAIM

This Court has venue because

☐ The defendant resides in this

☒ The debt, or cause of action, or the incident that resulted in this claim, occurred in this at the following location:

\$ _____ is the total amount owed me by defendant because:

The Defendant initiated a Secondary Motor Vehicle Loan with the Plaintiff on _____ The Defendant has failed, refused or neglected to make any or all of the contractually required payments on this loan, leaving a delinquent balance at the time this Complaint was filed in the amount of \$ _____

The Plaintiff furthermore attests, at the time of this pleading the Defendant was not actively enlisted in any branch of the _____

Date: _____ Plaintiff _____

Notice: If you are representing a business, please attach letter of authorization.

Please inform court staff if interpreter services are required.

☐ Yes, I need interpreter services. Language: _____

County

Courts, Arizona

Court _____

CASE NUMBER: _____

Petitioner / Plaintiff Judgment Creditor Judgment Debtor
Name / Address / Email / Phone

Respondent / Defendant Judgment Creditor Judgment Debtor
Name / Address / Email / Phone

Garnishee Name / Address / Email / Phone

NOTICE OF HEARING ON GARNISHMENT (EARNINGS)

A request for hearing has been filed.

This matter is set for a hearing at the Court listed above at:

Date: _____ Time: _____

Be in court at least 15 minutes before the scheduled hearing.

YOU MUST CHECK IN AT THE FRONT COUNTER BEFORE ENTERING THE COURT ROOM.

(Esté en el tribunal por lo menos 15 minutos antes de la audiencia programada.)

(DEBE REGISTRARSE EN EL MOSTRADOR DELANTERO ANTES DE ENTRAR EN LA SALA DEL TRIBUNAL)

REQUESTS FOR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES SHOULD BE MADE TO THE COURT AS SOON AS POSSIBLE.

(LAS SOLICITUDES PARA ARREGLOS O ADAPTACIONES RAZONABLES PARA PERSONAS CON DISCAPACIDADES SE DEBEN PRESENTAR ANTE EL TRIBUNAL LO MAS ANTES POSIBLE.)

If an interpreter is needed, please contact the court listed above to request an interpreter be provided.

(En caso de necesitarse un intérprete, favor de comunicarse con el Tribunal antes mencionado para solicitar que se brinden los servicios de un intérprete.)

Bring to the Court hearing any documents or exhibits you want to use as proof in your case.

If any party fails to appear at the hearing after proper notice, the Court may:

- Take evidence and/or oral testimony from any parties who do appear
- Make a decision based on the information provided in the documents filed and at the hearing
- Inform the parties who are present of the decision and sign appropriate orders

Date: _____

I CERTIFY that I delivered / mailed a copy of this document to:

☒ Creditor at the above address

☒ Debtor at the above address

☒ Garnishee at the above address

☐ Creditor's attorney

☐ Debtor's attorney

☐ Garnishee's attorney

Date: _____ By: _____

County

Courts, Arizona

Court



CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

MOTION TO: Vacate Judgement

☒ ORAL ARGUMENT REQUESTED

Rule 128

You have the right to file a response to this motion within ten (10) days from the date this motion was served. Your response must be filed with the court and copies of your response must be served to the other parties as provided by Rule 120 of the Courts Rules of Civil Procedure. The court may treat your failure to respond to a motion as your consent that the motion be granted.

I am the ☐ Plaintiff ☒ Defendant

I would like the court to:

Hear my argument and understand why I ask to vacate this judgement.

Statement of facts:

The Fact is I have absolutely no idea of the accusations against me. I contacted _____ today in order to understand who was served on this matter and they confirmed that it was me and when I asked if I had signed the service they said no, and when I asked where did this service take place I had absolutely no idea what they were talking about. Rest assured they may have served someone however it was not me and I am being falsely accused of a matter that I lack knowledge of ever happening.

Legal support including Statute or Rule that applies:

I have never been properly served so all of this was going on without my right to defend myself. It was explained that I was served at an address that I am not familiar with and when I asked was the service signed by me _____ the company employee explained no. I then said well when a person gets served I believe that they would be required to sign. This entire situation occurred without me being properly served as a result this case is in violation of my rights Judicial Administration 7-204 and Rule 4(c). I was not served regarding this matter as a result I did not have the opportunity to respond to these allegations because of this I am asking the court to dismiss this matter due to the discrepancy of service as well as the fact I do not recall doing business with this company and I have absolutely nothing to go on as it relates to personal receipts or paperwork.

I state under penalty of perjury that the foregoing is true and correct.

Date: _____

☐ Plaintiff ☒ Defendant

I CERTIFY that a copy of this document has been or will be served on _____ to:

☒ Plaintiff at the above address ☐ Plaintiff's attorney ☐ Defendant at the above address ☐ Defendant's attorney

Date: _____ By _____
Signature

**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.**