

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-197

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Judge:

Complainant:

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**ORDER**

November 23, 2022

The Complainant alleged a justice of the peace made improper rulings in a small claims 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).

Copies of this order were distributed to all appropriate persons on November 23, 2022.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY****2022-197****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.

**Finding:**

1) "The most notable problem is a lack of a signed contract... the closest item presented to the court was by the defendant... and was not signed by either party". She asked me if I had a copy; answered, "yes she has one". Unfortunately, I did not see that copy he gave her. I have my original and it IS signed. She did not mention during court that trees removed should be in a contract. They never are.

My evidence presented to her was the original placement of the house on the lot emailed to me by for my approval. However, without my permission, he placed the house where He wanted - in a clearing already there by the previous owners; in back, the lowest area of the lot. I explained this to the court and added, "with this location the crawl space now has ground water problems". Now, hopefully the new landscaping I did recently will divert the water.

"It was noted that there is no indication as to why the trees were removed...Exhibit 8" Exhibit 8 states copies of invoices/checks. What did that have to do with WHY? Repeatedly I told the court that the trees were removed because of a hazzard to the house as clearly shown in the pictures plus my explanation of the importance of these removals that refused to remove. I suspect because he knew I would pay eventually...

3) I did not mention "my son", did. Anyone could see the danger of the trees to the house, especially the largest tree (2.5 ft diameter) that had the roof cut out to fit the tree. If it was not taken down, the tree would move with the wind, moving the roof, cracking the large windows and perhaps killing someone.

If removed that larest tree, he could have built the house (exhibit 2/3) closer to the original site. I recently measured the area as if the large tree was eliminated. The house could have easily been moved closer to the location of the original plan. Since I lived in during that snowy and drive a , I could not be there for that first planning stage. Without my knowing did this all on his own.

During the end of the court proceeings, spoke with Afterwards, she displayed confusion while ratteling through the packet of evidence I presented to her. It seemed to me that she was either not interested or very confused as to what or how to make a decision on this matter.

I asked her why she sugested a Civil Case instead of this Small Claims. No definitive answer. I stated this is a simple case with good evidence. She seemed reluctant as she left the court.

I honestly feel misjudged and misrepresented in equality. I feel that was prejudiced and favored the vague evidence of words. I look forward to hearing from the court system.

Thank you, thank you

## RULE 16.

An itemized bill or invoice or two itemized estimates for services or repairs, are admissible in evidence and are prima facie evidence of the reasonable value and necessity of such services and repairs.

## Rules for Small Claims Proceedings

The original rules were made effective on \_\_\_\_\_  
effective on \_\_\_\_\_ by \_\_\_\_\_

The amendments were made  
Court Order No, \_\_\_\_\_ Small

Claims Proceedings uses its own forms. Please consult your local court.

complete the return of service and file the subpoena with the \_\_\_\_\_ court clerk.

## RULE 19.

Upon a determination of a small claim, the judge shall enter judgment. A judgment may be executed on using the laws in the \_\_\_\_\_ Code and the \_\_\_\_\_ Rules of Civil Procedure.

## RULE 20.

A party commencing an action as a small claims proceeding waives all right to appeal except that either party may appeal on the sole ground that substantial justice has not been done between the parties according to the rules and principles of substantive law, including common law. The party desiring to appeal shall so notify the \_\_\_\_\_ court and the court shall immediately file a final decision setting forth findings of fact, conclusions of law and judgment. The appeal shall be filed with the \_\_\_\_\_ Court within \_\_\_\_\_ days after the district judge has signed the final appealable decision. The appeal shall thereafter proceed in accordance with the \_\_\_\_\_ Rules of \_\_\_\_\_ Procedure or the instructions of the \_\_\_\_\_ Court.

Note: In \_\_\_\_\_ No. \_\_\_\_\_ the \_\_\_\_\_ Court clarified Rule 20 as meaning that there is no right to an appeal of a small claims judgment except where

Am I wrong  
with this info?

#### RULE 10.

Service by publication shall not be permitted in small claims proceedings. A small claims proceeding shall be dismissed without prejudice if the court finds at the hearing that the defendant has not been served.

#### RULE 11.

A written answer by the defendant shall not be required and the defendant may present any defense at the hearing.

#### RULE 12.

The defendant may file a counterclaim by completing a small claims proceeding counterclaim form at the district court and paying the filing fee which shall be the same as for a small claims complaint. The value of the counterclaim shall not exceed two thousand dollars (\$2,000), exclusive of interest and costs. If the counterclaim exceeds that amount, the case shall be transferred out of small claims pursuant to Rule 24.

#### RULE 13.

The court clerk immediately after docketing send a stamped copy of the counterclaim to the claimant by ordinary first-class mail.

#### RULE 14.

A counterclaim must be filed at least fifteen (15) days prior to the hearing.

#### RULE 15.

The district court shall conduct hearings upon small claims in such a manner as to do substantial justice between the parties using the rules of substantive law, including common law. In the interest of substantial justice between the parties, the court shall not be bound by statutory provisions or rules of practice, procedure, pleading or evidence, except as it relates to privilege communications and personal transactions or communications with a decedent or mentally ill person.