

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-207

Judge:

Complainant:

ORDER

April 5, 2023

The Complainant alleged improper rulings and denial of due process by a justice of the peace pro tem hearing an eviction action.

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 April 5, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

22-207

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 _____, Defendants to the Case, requests the Court hold a deferred fact-finding on the allegations brought by the Plaintiff which was entered by Default Judgment.

The Clerks of the Court on _____ had provided the status of the case and directed the Defendants to file the Motion to Set Aside which was later denied by the temporary Justice. The Court clerks had also made extraneous comments to misdirect the Defendant stating that the case belonged to Justice Court during its proceedings.

Additionally, the Courts had decided that the Defendant's burden were moot, the Plaintiff was excused from attestations and proof of burden on the records for due process in addition to failing to provide sufficient notice as afforded by the contract and the _____ for any change conditions, terms, or fees leviable on the Tenant/Defendant.

The Plaintiff on:

_____ had issued a written 30-Day notice to quit
 _____ the Court issued a Court Hearing scheduled for _____
 _____ the Plaintiff had professed to providing due process by Mail/Post - no signatures on receipt
 were attained by the Defendants
 _____ the Plaintiff had professed to providing due process by Delivery - no signatures on receipt
 were attained by the Defendants
 _____ the Defendant returned a response to the Hearing - the filing was retroactively filed for _____
 . The Defendant did not receive the Hearing's annotation on the Motion to Dismiss. Whereby the Justice's motion to deny on the Defendant's case being 'moot' was presided on _____ at which time the Plaintiff Order to Deny Motion was found to lack burden under _____. Even though a Writ of Restitution was summoned by the Plaintiff on _____.

The Defendant on:

_____ responded to the Court summons with Motion to Dismiss and a full records of rent payment between _____
 _____ filed a Motion to Vacate and was ruled on _____
 _____ the Defendant's Motion to Set Aside was denied in whole. Whereby the Defendant had challenged the allegations on monies owed in excess of rents were during Protective and Administrative Orders -- and not baseless challenges to the Plaintiff's allegations.
 _____ the Plaintiff requested for the Writ of Restitution but has not provided due process.

The Defendant presented a Reply to the Plaintiff's Response to Motions and requests that the case be presided by another Justice of another Court without prejudice.

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1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

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From

Sent:

To: Commission on Judicial Conduct

Subject:

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For the kind attention of:

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

(602) 452-3200

Email us at cjc@courts.az.gov

We humbly request that a case brought against us be reviewed for fact-finding and to be reassigned to another presiding Justice and Court without prejudice.

 [ONLINE COMPLAINT FORM - JUSTICE REVIEW AND CHAN...](#)

Thank you.

----- Forwarded message -----

From:

Date:

Subject:

To:

To the Honorable Court,

The Defendant requests for the Justice to hold the case for inspections, including fact finding, and to make comprehensive decisions on each itemized issue. Especially those that were not contested in the Plaintiff's last filing request of , and those considerably malicious in laying blame for lack of burden under against the Defendant.

Whereby the Defendant humbly requests that the Court clerks also become excellent in their responses instead of procuring trouble for any parties in the matters by faulty reporting on case status or whereabouts, especially by email or in person communication.

Finally, the Defendant would like to offer the reason for the non-appearance to the telephonic court which was neglected in previous filings. As mentioned, the Hearing was scheduled preceding the 30-day notice period. In other States, this can be understood as pre-trial hearing of facts whereby attendance is not mandated. If the notices of telephonic court order is mandated, it must be scheduled as afforded by the law. In this case, 30-days notice after the Landlord gave notice, i.e. or later.

Sincerely,

On Thu, at > wrote:

Good Afternoon,

I understand Defendant's Motion to Vacate Judgment was already denied. It appears Defendant's filing is moot. I have attempted to obtain clarification from the Defendant but to no avail. Please let me know whether the judge will consider these new filings and whether the judge would like Plaintiff to file a response to these new filings. Hon. has already denied Plaintiff's additional attorney fees for responding to Defendant's Motion to Vacate Judgment so I would like to avoid unnecessary legal expense on a case that has already been adjudicated. Thank you and have a great evening!

Best Regards,

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From:

Sent:

To:

Cc:

Subject:

To the Honorable Judges,

Please see our filings following the Plaintiff's Response to Motions.

[REPLY TO RESPONSE ON MOTION.pdf](#)

Thank you.