

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-208

Judge:

Complainant:

ORDER

April 5, 2023

The Complainant alleged improper rulings by a justice of the peace hearing a civil 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

22-208

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.

To the best of my assessment and proceedings of the case, I really think the Judge is racially bias from the ruling

1. On _____ Plaintiff filed a civil summon against Defendants for property damage.
2. Defendants refused acceptance of summon from the process server on many occasions.
3. When Defendants were finally served, answer to Plaintiff's summon and complaint was not timely and Defendants deliberately refused serving Plaintiff with filed answer to Plaintiff's complaint.
4. When Plaintiff went to Court to file an entry for default judgment for non-answer to complaint, that was when the Court notified Plaintiff that an answer was filed and printed a copy for Plaintiff.
5. The Court scheduled and send out notice of pretrial conference for _____ at _____ AM.
6. Plaintiff appeared as scheduled with Mediator (_____). Defendants did not appear, resulting in default judgment ordered by the Mediator but awaiting Judge final decision.
7. On _____ when Plaintiff did not received the Court decision based on Mediator's recommendation, Plaintiff called to the court looking for answers and update. Plaintiff was instructed by the Court to file a motion for entry of default, which Plaintiff filed on _____ and served notice to Defendants.
8. Defendants did not filed a timely response to Plaintiff's motion for entry of default judgment, but filed a motion to set aside entry for default judgment on _____
9. Plaintiff filed memorandum in opposition to defendants' motion to set aside entry for default judgment.
10. On _____ the Court denied Plaintiff's motion by _____ without legal justice by ignoring the Justice Court of Civil Procedures.

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Plaintiff has attached all filings of the case as alleged.

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

PRO PER

Defendant(s) Name / Address / Email / Phone

PRO PER

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

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

APPLICATION FOR ENTRY OF DEFAULT

JCRCP Rule 140

I am the ☒ Plaintiff ☐ Counterclaimant ☐ 3rd Party Plaintiff ☐ Attorney

THE FOLLOWING WERE SERVED THE SUMMONS AND COMPLAINT:

Defendant(s): _____ AKA _____

NOTICE to Defendant(s):

If you do not answer or file a responsive pleading with the court within ten (10) judicial days of the filing of this Application, the Default will be effective and the Party may request a Judgment to be entered against you.

I am applying for an Entry of Default against the above named party who has failed to timely file a response to the lawsuit.

The Defendant was served the Summons and Complaint by:

☒ Process Server ☐ Alternative Service
☐ Publication ☐ Certified Mail (Small Claims)

The Defendant ☐ is ☒ is not on active duty in the United States Military.

Date: _____ Signature: _____

☒ Plaintiff ☐ Counterclaimant ☐ 3rd Party Plaintiff ☐ Attorney

NOTICE to PARTY filing for Default:

Any time after ten (10) judicial days have passed since the filing of this Application, it is your responsibility to file a Request for Entry of Default Judgment or request a hearing. A Statement of Costs and proof of the claim (receipts, contract, etc.) must also be served upon all the parties in this lawsuit.

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

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

Date _____ By _____ Signature _____

CASE NUMBER: _____

Plaintiff(s) Name / Address / Email / Phone

PRO PER

Defendant(s) Name / Address / Email / Phone

PRO PER

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

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

REQUEST and AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT

☐ With Hearing

☒ Without Hearing

JCRCP Rule 140

I request that the Court enter a default judgment.

If I am the Plaintiff, then I state that the Summons, Complaint and the Notice to Defendant were served on the Defendant. No response has been received within the time allowed by law. At least ten (10) judicial days have passed since the Entry of Default.

The Defendant ☐ is ☒ is not on active duty in the United States Military.

Principal \$ _____

Costs \$ _____

Attorney fees \$ _____

Interest \$ _____

Total \$ _____

Attached are the: ☐ Proposed Judgment
☒ Supporting documents / proof of debt
☐ Statement of cost

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

Date: _____ Signature _____

☒ Plaintiff ☐ Counterclaimant ☐ 3rd Party Plaintiff ☐ Attorney

Note: A party who files a proposed default judgment must also provide the court with stamped envelopes addressed to each party.

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

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

Date: _____

By _____

Signature _____

CASE NUMBER: _____

Plaintiff

VS.

Defendant

MEDIATION DISCLOSURE AND CONFIDENTIALITY AGREEMENT

Date: _____

DISCLOSURE: The mediator(s) explained to us that:

- We are the only ones who can arrive at an agreement that is acceptable to all of us, and we understand that no agreement will be forced on us.
- The mediator(s) will be neutral and will not take sides in this dispute.
- The mediator(s) will not provide us with legal advice, nor act as counselors during this mediation.
- The mediator(s) will not evaluate the legal merits, nor predict the outcome, of our case if it goes to trial.

CONFIDENTIALITY: We hereby acknowledge and agree that:

- The mediation process is confidential; communications made, materials created for and acts occurring during a mediation are confidential. (See A.R.S. § 12-2238(B)(1-4) for exceptions to the mediation process confidentiality rule).
- All notes taken during the mediation session shall be given to the mediator(s) for disposal at the conclusion of the session.
- The mediator(s) may not testify in any court proceedings in the future about matters discussed in this mediation session.
- The parties may not testify in any court proceedings in the future about discussions that occurred during the mediation session.
- However, as required by law, the mediator(s) will report to the court any immediate threat, or infliction, of physical harm that occurs during the mediation process.

 _____
Plaintiff PRINT Name

Defendant PRINT Name

Plaintiff SIGN Name _____ Date _____

Defendant SIGN Name _____ Date _____

☐ Plaintiff Atty. ☐ Representative PRINT Name _____

☐ Def. Atty. ☐ Representative PRINT Name _____

☐ Plaintiff Atty. ☐ Representative SIGN Name _____ Date _____

☐ Def. Atty. ☐ Representative SIGN Name _____ Date _____

Mediator PRINT Name

Mediator PRINT Name

Mediator SIGN Name _____ Date _____

Mediator SIGN Name _____ Date _____

**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.**