

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-337

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Judge:

Complainant:

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**ORDER**

September 15, 2023

The complainant alleged denial of due process and improper demeanor by a justice of the peace hearing 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 Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 15, 2023.

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

**FOR OFFICE USE ONLY**

2022-337

**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.

Today at \_\_\_\_\_ I was at the \_\_\_\_\_ Court to attend an eviction hearing along with my witness. During the hearing \_\_\_\_\_ was asking me questions at first it wasn't super bad until I stated that I have evidence to support my reasoning for not paying my rent.

The reason why I was withholding my rent was because of health and safety concerns for my dwellings I explained to the judge that I have supporting documents for retaliation from the landlord I offered to provide the judge with the evidence and he refused to look at it or acknowledge that I had/have the supporting documentation for my reasoning for withholding my rent. The judge told me that it is prohibited in the state of Arizona for a tenant to withhold rent; according to the following ARS codes I read to the judge and the following they were violated;

ARS code 33-1363 section A

ARS code 33-1362 section B

ARS code 33-1381 retaliation conduct prohibited

ARS code 33-1367 tenant's remedies for landlord unlawful ouster exclusion or diminished of services

ARS code 13-1202 threatening/intimidation

ARS code Title X disclosure of lead based paint

ARS code 36-1681 Landlords are required by federal law to give notice of lead based paint on the premises.

The judge's display of judicial misconduct was very disrespectful because he wouldn't allow me to speak when I was being spoken too and or when I was answering a question the judge would ask of me. The judge had told me that it is prohibited for tenants in Arizona to withhold rent and I had corrected the judge and told him he was wrong with what he had stated in the court room. The judge then challenged me to prove him wrong and I proceeded to name off the ARS codes states above. While I was stating ARS codes I was interrupted a lot by the judge quite a bit; especially when I spoke on ARS code 33-1365 for the reasoning why I was refusing to pay my rent. ARS code 33-1365 section B) states In an action for rent where the tenant is not in possession the tenant may counter claim as provided in section A but the tenant is not required to pay rent into court. The judge became very improper he was also being unethical with his reasoning when I was reading off my testimony when he provided the opportunity to provide documentation verifying my reasoning for withholding for the health and safety documents in addition to the other stating documents that have a 24 hour time frame to respond and or remedy the situation at hand concerning health and safety along side with the landlord tenant act being violated and for the fair housing act being violated. In addition to me giving my testimony the judge did agree with me on the laws I was stating but then quickly contracted his agreement that I was correct with what laws I was stating and from there the judge became frustrated with me especially when I brought up Title X for lead based paint disclosure and the judge willingly ignored to take my supporting evidence for nonpayment of rent. My high concerns with Judge \_\_\_\_\_ is his willingness to boast about how he knows and has been reading the landlord tenant act for many years however he gave me and in a past hearing he gave another person the false statement that a tenant is not allowed to withhold rent for what I'm doing (health and safety) and for the other person who faced him for their air conditioning being out for two months. He also displayed favoritism in the court room by demonstrating different levels of respect when speaking to either side.

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