

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-465

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Judge:

Complainant:

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**ORDER**

February 16, 2023

The Complainant alleged a justice of the peace allowed untimely motions and made improper rulings in a civil 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 February 16, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2022-465

**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.

On \_\_\_\_\_ the Plaintiff and Counterdefendant filed a complaint against me as the Defendant and Counterclaimant in this case.

I filed a response and counterclaim that was entered into the civil court on \_\_\_\_\_ and a copy of the response and counterclaim was mailed and served with proper notice to the plaintiff and Counterdefendant on \_\_\_\_\_

After the applicable time frame had passed, and with no response from the Plaintiff and Counterdefendant, I filed the application for entry of default that was entered on \_\_\_\_\_ and a copy of the Entry of Default was mailed to the Plaintiff and Counter defendant with proper service on \_\_\_\_\_

Once again, after the allotted time frame had passed, and having received no response from the Plaintiff and Counterdefendant, I filed the request for default judgment that was granted on \_\_\_\_\_ that has been authorized by Ariz. R. Civ. P Rule 55. So, I began the collection process for the default judgement.

On \_\_\_\_\_ and a \_\_\_\_\_ later, the Plaintiff and Counterdefendant filed an untimely Motion to Set Aside/Vacate the Default Judgment granted by Judge \_\_\_\_\_ and an Oral Argument hearing that was initially scheduled for \_\_\_\_\_. The Plaintiff and Counterdefendant filed a Motion to Enlarge that was granted by Judge \_\_\_\_\_ and the Oral Argument scheduled for \_\_\_\_\_ was rescheduled for \_\_\_\_\_

The Plaintiff and Counterdefendant failed to appear for the Oral Argument schedule for \_\_\_\_\_ resulting in Judge \_\_\_\_\_ denying their \_\_\_\_\_ to \_\_\_\_\_ the \_\_\_\_\_ on \_\_\_\_\_ and reinstating the default judgment against them originally granted on \_\_\_\_\_. My \_\_\_\_\_ of \_\_\_\_\_ was signed by Judge \_\_\_\_\_ on \_\_\_\_\_. Again, I began the collection process for/and \_\_\_\_\_ on the default judgment.

My complaint against Judge \_\_\_\_\_ proceeds from this point and beyond.

The fact that the Plaintiff and Counterdefendant filed an untimely Motion to Set Aside/Vacate the Judgment and was granted by Judge \_\_\_\_\_ and \_\_\_\_\_ after the required \_\_\_\_\_ time frame had passed, with an Oral Argument hearing scheduled based on that untimely filed motion.

The fact The Plaintiff/Counterdefendant did not show up for the hearing scheduled on \_\_\_\_\_ and yet even after Judge \_\_\_\_\_ signed my \_\_\_\_\_ he has allowed the Plaintiff and Counterdefendant Attorney to proceed with a \_\_\_\_\_ to \_\_\_\_\_ and to proceed forward with a \_\_\_\_\_ scheduled on \_\_\_\_\_. On what matters? What is the purpose or reason for the trial in this case? When the Plaintiff and Counterdefendant's failure to show up and defend their case when they filed their appeal via the \_\_\_\_\_ to \_\_\_\_\_ the \_\_\_\_\_ (that was denied) decided the matters in their claim.

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The fact that Judge \_\_\_\_\_ has not even removed the default judgment, yet he has scheduled a trial.

I feel I am being discriminated against as a disadvantaged Defendant and Counterclaimant because I feel Judge \_\_\_\_\_ is overlooking the critical legal factors in this case of the Plaintiff and Counterdefendant's untimely filings, failure to show up and defend and systematically applying laws and court procedures in an unfair and unbalanced manner in this case. I feel, if the tables turned, would I have been granted all the legal opportunities that were allowed to the Plaintiff and Counterdefendant in this case? Most certainly not.

County

Courts, Arizona

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**ORDER**

TO THE \_\_\_\_\_ (Please Enter)

Principal :  
Costs :  
Attorney fees :  
Interest :  
Total

\*Interest rate of \_\_\_\_\_ % plus accruing costs.

IT IS SO ORDERED this date: \_\_\_\_\_

*\* Interest rate shall be at the lesser of ten per cent per annum or at a rate per annum that is equal to one per cent plus the prime rate as published by the Board of Governors of the Federal Reserve System.*

FOR COURT USE ONLY

Copy of the foregoing mailed this date: \_\_\_\_\_

to: ☒ Plaintiff ☒ Defendant ☐ Runner Service \_\_\_\_\_

Docketed On: \_\_\_\_\_ Clerk: \_\_\_\_\_

COUNTY

COURT,

<b>PLAINTIFF</b>	<b>Case No:</b>	<b>DEFENDANT</b>
Atty:		Atty:

The Court is taking every precaution necessary to prevent the spread of the COVID-19 virus. To that end we are limiting in-person hearings to the greatest extent possible.

**This matter is hereby set for a remote hearing on at before Judge**

**YOU MAY APPEAR BY VIDEO OR TELEPHONE**

Your Meeting ID:

**Option 1 - To join the hearing via-zoom video:**

Please go to: [www.zoom.us/j](https://zoom.us/j) and type in the meeting ID. For example: <https://zoom.us/j/95242748744>

To appear via video conference on Zoom, you must have an internet connection. You can use a smart phone, iPad/tablet, or computer/laptop that has sound & video capability. You will also need to install the Zoom App ([www.zoom.us](https://zoom.us)) before the time of hearing.

Upon connecting to the Zoom hearing, you will be placed in a "waiting room." Do not hang up or close the Zoom application.

**Option 2 - To join the hearing via-telephone:** *You do not need the ZOOM application to appear by telephone.*

Dial (toll free) and type in the meeting ID. ( )

Upon connecting to the meeting, you will be placed in a "waiting room" until staff can speak with you.

**Option 3 - If you do not have the ability to appear remotely:**

The court will have phones available if you do not have the ability to appear remotely. A face mask must be worn upon entering the courthouse. A "Mask Required" sign has been posted in courthouse areas where a face mask is required. Those areas include; courtrooms, self-help centers, information counters, clerk window and filing counters, elevators, including any other designated areas where signage has been posted.

**Exhibits:**

Must be received in time for the hearing and a court case number must be referenced

Exhibits can be submitted to the court:

1. By mail at
2. Electronically by following the instructions on our webpage at:

**Any submitted exhibits must be disclosed to all parties.**

If you require an ADA accommodation, please visit or call

If you require an interpreter call as soon as possible.

Si necesita un intérprete, llame lo antes posible al

Notice Provided To:	Mail	Runner	Phone	E-Mail
Plaintiff(s)/Atty				
Defendant(s)/Atty				
Garnishee				
Date	Clerk: _____			

Clerk: \_\_\_\_\_  
Date: \_\_\_\_\_

*For internal use only:*



COUNTY

COURT

PLAINTIFF(S):  VS DEFENDANT(S):	<b>CIVIL MINUTE ENTRY</b>  PLAINTIFF'S ATTORNEY:  DEFENDANT'S ATTORNEY:	CASE NO.  Defendant's Address:
COURT DATE:                      TIME:                      HEARING TYPE:		
PLAINTIFF: <input type="checkbox"/> Present <input type="checkbox"/> Not Present <input type="checkbox"/> By Counsel DEFENDANT: <input type="checkbox"/> Present <input type="checkbox"/> Not Present <input type="checkbox"/> By Counsel		
YOUR NEXT COURT DATE IS: Oral Argument on _____ at _____ lasting _____		
All parties are to appear for oral argument over Zoom ID _____ before Judge _____		
DATED: _____		
<b>ALL PARTIES IN ANY CIVIL CASE HAVE THE RIGHT TO APPEAL BY FILING A NOTICE OF APPEAL WITH THE TRIAL COURT WITHIN (14) CALENDAR DAYS AFTER THE ENTRY OF THE ORDER, RULING, OR JUDGMENT APPEALED FROM, EXCEPT IN AN EVICTION CASE THE TIME LIMIT SHALL BE (5) CALENDAR DAYS. THERE ARE NO APPEALS FROM A SMALL CLAIMS JUDGMENT. PURSUANT TO RECORDS RETENTION AND DESTRUCTION SCHEDULE, YOUR EXHIBIT(S) WILL BE DESTROYED UPON DISMISSAL, DISPOSITION, OR FINAL APPELLATE RULING WHICHEVER COMES LATER.</b>		

Copy/Notification To:	US Mail	Runner Service	Email	Hand Delivered	Telephone / Voice Mail	For Court Use Only
Plaintiff(s)						DATE: _____  BY: _____
Plaintiff(s) Attorney						
Defendant(s)						
Defendant(s) Attorney						
Garnishee						

\* Interest rate shall be at the lesser of ten cent per annum or at a rate per annum that is equal to one per cent plus the prime rate as published by the Board of Governors of the Federal Reserve System.

**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.**