

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-477

Judge:

Complainant:

ORDER

February 22, 2023

The Complainant alleged a justice of the peace did not give him equal time to present his case, issued an erroneous and untimely ruling, and was biased against him.

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 22, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-477

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.

This entire experience has been a disaster for me, because no justice was done. It has left me with a miserable feeling because the plaintiff is dishonest in the first place, their faulty workmanship and then their incomplete and inaccurate business management and bookkeeping led to mistakes in billing and even serving the lawsuit to the correct entity. Numerous attempts to get that accurate from early on plus settlement and mediation after the lawsuit was filed were fruitless. I will attach the documents.

At the virtual trial, without being physically present, which hindered my ability to bring tile samples and other documents, the time was dominated by the Plaintiff and his witnesses, thereby limiting me to less than 1/3 of the total time to present my case, and a gross disservice was done. Some of the time I had to spend countering the mistruths stated by Plaintiff and his witnesses, and that penalized me severely. Then the judge's summary was wrong - not only her decision (although I disagree with it too), but the facts she states clearly shows she is unclear who the parties are, doesn't understand the facts, and couldn't even get the math right, so she charged me twice for the service fees and filing costs. These were not even documented before the trial, so much of that is just stated charges that cannot be verified, but she certainly did. It is all discussed in greater detail in my motion to reconsider. Despite that and a written request for just the math (show your calculations), all I received back were curt denials and no answers.

I finally contacted the plaintiff and we settled it for an amount less than she stated, still not accurate, but obviously even the plaintiff knew I was getting double dipped on the fees and filing charges. I could have appealed, but with her being incompetent, I was sick of it and finally gave up. There was honestly no assurance that paying more fees for the appeal, and going through more hours of work, submitting that to an _____ court where I couldn't even speak to anyone directly, would wind up any different. Would anyone there understand and see it as the miscarriage of justice that this is?

Poor workmanship and damage to my property, plus faulty bookkeeping, and I had no wish to NOT PAY THEM, but just have the damage and costs to repair covered and deducted from that amount. Simple and fair to me, but this totally went the wrong way, and this judge is no scholar. Look at her appearance, her demeanor, then the complete lack of accuracy, willingness to communicate, and just a stubborn refusal to deliver justice. An uneducated fool who had not even passed the _____ is turned loose on the public. This leaves a foul and sickening feeling with me, because I have nowhere to turn that I can trust. My opponents, the plaintiffs, lied and their business practices are so ingrained that they see themselves as justified. This judge was biased and made up her own mind, and with most of the virtual trial dominated by the plaintiff and little time left for me, I knew I was hosed when it ended. Then she takes _____ days to render a judgment and her written facts are all wrong in her summary. Then she refuses to do anything about it. I would have liked a true reconsideration, but all I begged for was a simple breakdown and getting the math right so I wasn't overcharged more than just the case totaled and the plaintiff was seeking. Even that was too much to ask.

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I assume you will just put this in the file, and I will remain abused. There will be no resolution, but it is a travesty. I am an _____ I own multiple _____, and I am a high functioning and well-respected responsible person. To have this happen from the State of Arizona is just gut wrenching, and although it is not an astronomical monetary amount, it still just sickens me, because it is so completely wrong.

Please see the attached documents.

The only good thing is that this horrible nightmare is over.

County

Courts, Arizona

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

RULING ON MOTION

On this date _____ the ☐ Plaintiff ☒ Defendant filed a motion requesting the following relief:
Motion to Reconsider

The ☒ Plaintiff ☐ Defendant ☒ Did not file a responsive pleading
☐ Filed a response to the motion on this day _____

The ☐ Plaintiff ☐ Defendant ☐ Did not file a reply
☐ Filed a reply to the response on this day _____

The Court, has considered that which has been submitted by the parties
IT IS ORDERED ☐ Granting said motion ☒ Denying said motion

IT IS FURTHER ORDERED

Date: _____

I CERTIFY that I delivered / mailed a copy of this document to:

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

Date: _____ By _____

Certificate of Mailing
County Courts

Case Number: |

I CERTIFY that I mailed/delivered a copy to:

☒ Plaintiff at the above address

☐ Plaintiff's Attorney

☐ Garnishee

Date:

☒ Defendant at the above address

☐ Defendant's Attorney

☐ Other

Clerk:

Case Number: _____

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Representing [X] Self or [] Lawyer for _____
Lawyer's Bar Number: _____

For Clerk's Use Only

_____) _____ **OF ARIZONA**
PRECINCT NAME/ADDRESS/PHONE _____

MOTION TO **&**

Case Number: _____

vs.

Plaintiff(s) Name / Address / Phone /
Email

Defendant(s) Name / Address / Phone /
Email

Defendant, _____, respectfully requests that this Court reconsider its judgment dated _____
for the Plaintiff against the Defendant in the amount of _____, and as grounds for
this motion, the Defendant states:

1. In the virtual trial, without the parties physically present, the time was dominated by the Plaintiff and his witnesses, thereby limiting me to less than 1/3 of the total time to present my case, and a gross disservice was done. Some of the time I had to spend countering the mistruths stated by Plaintiff and his witnesses, and that penalized me severely.
2. Specifically, when I questioned _____, the owner of the _____ company, not _____, he denied stating that he redid the flooring because of his mistake, which he did tell me verbally multiple times. At trail, he stated this was to humor me, giving the

**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.**