

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-037

Judge:

Complainant:

ORDER

August 1, 2023

The complainant alleged a justice of the peace improperly accepted a stipulation and made improper legal rulings in 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 Denise K. Aguilar did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 1, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023 - 037

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 eviction case was filed when there was no rent due. The attorneys for this case were served by defendants' attorney that the rental contract for the property commenced on _____ and renewed every month on the _____. At the time this action was filed, there was no rent due. The plaintiffs collected the last rental payment on _____ for the rental month ending _____.

The attorneys for the Plaintiffs filed notices with the court, but did not serve notice upon the defendants or the defendants attorney in violation of Arizona Court Rule 42.

The justice in this case completely ignored the duty of Plaintiff's attorneys to obey the rules of notice. The justice allowed the attorneys to file documents absent certification that these court papers were ever served and communicated to the defendants or the defendant's attorney. The stipulation agreement that should have been acknowledged by at least _____ party of the defendants team was signed only by the opposing counsel and the justice made no inquiry into the reason or to validate the sufficiency of the agreement.

The justice allowed the attorneys for the plaintiffs to rule the case rather than adjudicate the case in accordance to the Arizona Rules of Civil Procedure and Arizona Court Rule 42. The attorneys claim that the court approved the stipulated agreement though it was not signed by Defendants or Defendants' attorney.

The misconduct of this justice is egregious and unacceptable. The misrepresentation of a legally adjudicated case is detrimental to us as defendants in this justice court. The damage to reputation cannot be undone, just like the actions in this court cannot be undone. However, it is expected that under current Arizona Statutes concerning eviction cases that this case be sealed from public view. The failure of this justice to require the attorneys for the plaintiffs to adhere to court rules and procedures is the exact reason that the defendants are ineligible to qualify for rental housing anywhere. It is therefore, requested that the case be reviewed, the misconduct identified, and the commission order that the case be sealed from the public.