

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-182

Judge:

Complainant:

ORDER

The Complainant alleged a justice of the peace improperly dismissed a small claims case and discriminated on the basis of race.

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.

After review, the Commission found the judge violated Rules 1.1, Compliance with the Law, and 2.6(A), Ensuring the Right to be Heard, for dismissing a small claims complaint for failure to state a claim when the applicable rules did not provide for a dismissal on this basis, and there was no motion pending that requested a dismissal. While the judge's action was improper, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer regarding his conduct.

Commission members Roger D. Barton, Louis Frank Dominguez, and Regina L. Nassen did not participate in the consideration of this matter.

Dated: December 27, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on December 27, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-182

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.

it is clear to me that I am being discriminated
against. I have received 2 dismissal cards.
I have followed the court rules. Because
I am not the court
is trying to dismiss my case. How stupid
would it be for - to go forward
with this case, the court only
serves I have
gaurantee Loser. The court serves
only Just Like
the
Police,

**NOTICE OF PENDING DISMISSAL OF LAWSUIT
AVT. O DE DESESTIMACIÓN PENDIENTE DE LA DEMANDA**

Case Number / No. de caso:

VS.

Court records indicate the defendant was served the Summons & Complaint on

Los registros del Tribunal indican que el demandado fue notificado de la Citación y Demanda en

Pursuant to Arizona Rules of Small Claims Procedure, Rule 5(c) the court may dismiss the complaint in 65 days and without further notice unless a hearing has been scheduled or the plaintiff has filed for default judgment.

De conformidad con la Regla 5(C) del Reglamento de Arizona del Procedimiento de Demandas de Menor Cuantía. El tribunal puede desestimar la demanda en 65 días y sin previo aviso, a menos que se haya programado una audiencia o el demandante presente un pedimento para obtener un fallo por incomparecencia.

It is so ordered this: / Así lo ordena en este día:

~~HSN~~

NOTICE OF DISMISSAL FOR LACK OF SERVICE
AVISO DE DESESTIMACIÓN POR FALTA DE LA NOTIFICACIÓN LEGAL

Case Number / No. de caso:

VS.

Appearing that service of summons and complaint has not been made upon the defendant(s) captioned above,
parecer que no se realizó la notificación legal del citatorio y denuncia al(a los) demandado(s) nombrado(s) arriba,

YOU ARE HEREBY NOTIFIED THAT the action will be dismissed without prejudice **AS TO THE DEFENDANT(S) CAPTIONED ABOVE** without further notice after **20** days from the date of this notice, unless good cause is shown why service was not made within the time limits established by Rule 3(i), Justice Court Rules of Civil Procedure, and that additional time should be granted within which to accomplish service.

LE(S) AVISA QUE a partir de 20 días de la fecha de este aviso, se desestimaré (sobreseimiento provisional) la acción EN FAVOR DEL DEMANDADO(S) NOMBRADOS ARRIBA y sin previo aviso, a menos que se demuestre un motivo justificado por el cual no se realizó la notificación legal dentro de los plazos establecidos por la Regla 113(i), del Reglamento del Procedimiento Civil del Juzgado de Paz, y por la cual se habrá de conceder tiempo adicional para poder realizarse la notificación al.

It is so ordered this:

í lo ordena en este día:

HON.

CASE NUMBER: _____

Plaintiff's Name / Address / Email / Phone

Defendant's Name / Address / Email / Phone

SMALL CLAIMS ANSWER

THERE ARE NO APPEALS IN SMALL CLAIMS CASES.

WARNING: You do not have the right to appeal the decision of the hearing officer or the justice of the peace in a small claims court. If you wish to preserve your right to appeal, you may have your case transferred to the justice court pursuant to § 22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of the scheduled hearing.

DEFENDANT'S ANSWER

You must file with this court a written answer to the complaint within twenty (20) days after service and deliver a copy to the plaintiff. If you do not file an answer, judgment may be entered against you for the full amount of the plaintiff's claim, plus the plaintiff's court costs. You must pay a fee to the court to file an answer, although you may request a waiver or deferral. The court will schedule a hearing date and hold a hearing within sixty (60) days after you file your answer.

I am answering on behalf of Myself Marital Community Other: _____

I do not owe plaintiff because:

I believe we do not owe any money because most of the information he provided is false. The hole in the fence has been there since we moved in 17 months ago. I put a rock to try to cover the hole and prevent rabbits getting in my yard and eating my plants. We believe he's been the one disturbing the peace, anytime I have family get together he comes close to the fence and starts recording! I do not have a crew constantly working in my backyard. I do not have parties that run all night with loud music! I do not have people living in my backyard in a tiny house.

Date: _____

Defendant (Print Name) _____

Defendant (Signature) _____

NOTICE: If you are representing a corporation, partnership, association, or other organization, you must attach a letter of authorization.

Interpreter: Yes, I need interpreter services. Language: _____

I CERTIFY that a copy of this document will be provided by (circle one) hand-delivery/ first-class mail/ electronic means on _____ Date _____

to: Plaintiff Any other named defendants

By: _____ Defendant Signature _____ Date: _____