### State of Arizona

### COMMISSION ON JUDICIAL CONDUCT

Disposition	of	Comp	laint	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.

#### FOR OFFICE USE ONLY

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

2023-182

### COMPLAINT AGAINST A JUDGE

					_														
Name:			~ ~~			_			Judg	e's Na	ame:								
Instruc	tions:	Use this	form	or	plain	paper	of	the	same	size	to fi	ile a	comp	olaint.	Des	cribe	in	your	own
words v	vhat vo	n believe	e the	inde	bib e	that	cons	stitut	es in	dicial	mise	ondi	ict. B	e spe	cific	and	list	all o	f the

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.

against. I have received a dismissal cards I have followed the court rules. Pecause I am not is trying to dismiss my case. Howstopid # with this case, these courtonly gaurantee Loser. The courtserves Just Like

# NOTICE OF PENDING DISMISSAL OF LAWSUIT AVI: 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 pude 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:

HOST

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

Case Number / No. de caso:

# VS.

ippearing 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,

DU ARE HEREBY NOTIFIED THAT the action will be dismissed without prejudice AS TO THE EFENDANT(S) CAPTIONED ABOVE without further notice after 20 days from the date of this tice, 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 complish service.

LE(S) AVISA QUE a partir de 20 días de la fecha de este aviso, se desestimará (sobreseimiento provisional) la acción EN <sup>I</sup>ANTO A(A LOS) DEMANDADO(S) NOMBRADOS ARRIBA y sin previo aviso, a menos que se demuestre un motivo tificado por el cual no se realizó la notificación legal dentro de los plazos establecidos por la Regla 113(i), del Reglamento del redimiento Civil del Juzgado de Paz, y por la cual se habrá de conceder tiempo adicional para poder realizarse la notificación al

is so ordered this:

í lo ordena en este día:

HOW.

# Arizona

believe we do not owe any money fence has been there since we moved in 17 months ago. I put a rock by plants we believe he's been the one disturbing the peace, anutine	CASE NUMBER:	
SMALL CLAIMS ANSWER  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 pursus scheduled hearing.  22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of the complaint within twenty (20) days after service and deliver a copy 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 plaintiffs claim, plus the plaintiff sourt costs. You must pay a fee to the court to file an answer, attended you may request a waiver or deferral. The court will schedule a hearing date and gloid a hearing within sixty (60) days after you file your answer.  am answering on behalf of Myself Marital Community Mother.  do not owe plaintiff because:  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Myself Marital Community Mother Myself Myself Marital Community Mother Myself		
SMALL CLAIMS ANSWER  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 pursus scheduled hearing.  22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of the complaint within twenty (20) days after service and deliver a copy 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 plaintiffs claim, plus the plaintiff sourt costs. You must pay a fee to the court to file an answer, attended you may request a waiver or deferral. The court will schedule a hearing date and gloid a hearing within sixty (60) days after you file your answer.  am answering on behalf of Myself Marital Community Mother.  do not owe plaintiff because:  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Myself Marital Community Mother Myself Myself Marital Community Mother Myself		
SMALL CLAIMS ANSWER  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 pursus scheduled hearing.  22-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of the complaint within twenty (20) days after service and deliver a copy 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 plaintiffs claim, plus the plaintiff sourt costs. You must pay a fee to the court to file an answer, attended you may request a waiver or deferral. The court will schedule a hearing date and gloid a hearing within sixty (60) days after you file your answer.  am answering on behalf of Myself Marital Community Mother.  do not owe plaintiff because:  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Proof of the Myself Marital Community Mother.**  **REFIGURE** The Myself Marital Community Mother Myself Myself Marital Community Mother Myself		
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 pursus scheduled hearing.  You must file with this court a written answer to the complaint within twenty (20) days after service and deliver a copy to the oblaintiff. 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 gold a hearing within skyt (60) days after you file your answer.  am answering on behalf of Myself Marital Community Mother.  do not owe plaintiff because:  **CROUSE MOST of the Whore Marital Community Mother.**  **CROUSE MOST of the Marital Community Most of the Marital Community Most of the Most of the Marital Community Most of the Most of the Marital Community Most of the Most of the Most	Phone	
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 \$2-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of it \$2-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of it \$2-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of it \$2-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of it \$2-504, subsection A, Arizona Revised Statutes, if you request such transfer at least ten (10) days prior to the day of it \$2-504, subsection A, Arizona Revised Statutes, if you request a written answer to the complaint within twenty (20) days after service and deliver a copy to the day of it the subsection of the day of it the plaintiff scalin, plus the pour will schedule a hearing date and global a hearing within sixty (60) days after service and eleiver or deferral. The plaintiff scalin, plus the count will schedule a hearing date and global a hearing within sixty (60) days after you file your answer.  **Arigute Prior of the Myself   Marital Community   Arizona   Myself   Marital Community   Arizona   Myself   Myself   Marital Community   Arizona   Myself   Myself		Derendant's Name / Address / Email / Phone
DEFENDANT'S ANSWER  Out must file with this court a written answer to the complaint within twenty (20) days after service and deliver a copy to the plaintiff source of the peace in a small sected delivers.  You must file with this court a written answer to the complaint within twenty (20) days after service and deliver a copy to the colaintiff. If you do not file an answer, judgment may be entered against you for the full amount of the plaintiffs coint, plus the count will schedule a hearing date and good a hearing within sixty (60) days after service and deliver a copy to the plaintiffs 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 good a hearing within sixty (60) days after you file your answer.  am answering on behalf of Myself   Marital Community Mother.  do not owe plaintiff because:    Mother file with this court a written answer to the complaint within twenty file your answer.    Mother file with this court a written answer to the complaint within sixty (60) days after service and deferral. The provided is false the plaintiffs calm, plus the court will schedule a hearing date and good a hearing within sixty (60) days after you file your answer.    Mother file with this court a written answer to the complaintiff because   Mother file with sixty (60) days after service and waiver or deferral. The control of the plaintiff because   Mother file with sixty (60) days after service and waiver or deferral. The control of the plaintiff because   Mother file with sixty (60) days after service and waiver or deferral. The provided by file with sixty (60) days after service and defined and waiver or deferral. The plaintiff because   Mother file with sixty (60) days after service and defined and waiver or deferral. The plaintiff   Mother file with sixty (60) days after service and defined and waiver or deferral. The plaintiff   Mother file waiver or deferral the file waiver or deferral the file waiver or deferra	THERE ARE NO	LL CLAIMS ANSWER
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 polaintiff. If you do not file an answer, judgment may be entered against you for the full amount of the plaintiff's claim, plus the polaintiff's court costs. You must pay a fee to the court to file an answer, although you may request a waiver or deferral. The pound is schedule a hearing date and bold a hearing within sixty (60) days after service and deliver a copy to the polaintiff's court costs. You must pay a fee to the court to file an answer, although you may request a waiver or deferral. The pound is schedule a hearing date and bold a hearing within sixty (60) days after you file your answer.  If the polar to the file and bold a hearing within sixty (60) days after you file your answer.  If the polar to the file and prevent is a pound of the polar answer.  If the polar to the file and prevent you file your answer.  If the polar to the polar to the polar to the pound of the polar to the pola	TOURS TOURS NOT have the contract	
PERDANT'S ANSWER  Description:  You must file with this court a written answer to the complaint within twenty (20) days after service and deliver a copy to the polaintiff. If you do not file an answer, judgment may be entered against you for the full amount of the plaintiff's claim, plus the court will schedule a hearing date and gold a hearing within sixty (60) days after you file your answer.  am answering on behalf of Myself Marital Community Mother:  do not owe plaintiff because:    Welleve   Dec   And   Duble   And   Duble	claims court. If you wish to preserve your right to appeal the de § 22-504, subsection A, Arizona Revised Statutes, if you scheduled hearing.	ecision of the hearing officer or the justice of the peace in a small eal, you may have your case transferred to the justice court pursuate request such transfer at least ten (10) days prior to the day of the
am answering on behalf of Myself   Marital Community Nother:  do not owe plaintiff because:    Delieve ive do not owe	DEFE You must file with this court a written answer to the cor plaintiff. If you do not file an answer, judgment may be plaintiff's court costs. You must pay a fee to the court to court will schedule a hearing date and hold a hearing w	ENDANT'S ANSWER  mplaint within twenty (20) days after service and deliver a copy to the entered against you for the full amount of the plaintiff's claim, plus the offile an answer, although you may request a waiver or deferral. The within sixty (60) days after you file your answer.
believe we do not owe any many fence has been there since we moved in 1 months ago. I put a rock to try to cover the hote and prevent rabbits getting in my yard and eating may plants we believe he's been the one disturbing the peace any time may get togethers he comes close to the fence and start along the parties that run all hight with load music! I do not have parties that run all hight with load music! I do not have parties that run all hight with load music! I do not have parties that run all hight with load music! I do not have parties that run all hight with load music! I do not have people living in my backward in a thru have.  Defendant/signatural  Defendant/signatural  The provided by (circle one) hand-delivery/ first-class mail/ electronic means on.  Date  Date:	am answering on behalf of Myself Marital Comm	nunity Dother:
fence has been there since we moved in 17 months ago. I put a rock to try to cover the hole and prevent rabbits of thing in my yard and eating many get togethers he comes close to the fence and start along! do not have a crew constantly working in my backyard along people living in my backyard in a try house.  Defendant print my backy	do not owe plaintiff because:	
Defendant (Print March)  Defendant (Signature)  Defendant (Signature)  Thorization.  Serpreter: Yes, I need interpreter services. Language:  CERTIFY that a copy of this document will be provided by (circle one) hand-delivery/ first-class mail/ electronic means on.  Any other named defendants  Date	fence has been there since we to try to cover the hole and previous plants we believe he's been have family get togethers I ecording! I do not have a credo not have parties that rular people living in mu back	moved in 17 months ago. I put a rock tent rabbits of thing in my yard and eating the one disturbing the peace, anything the comes close to the fence and start ou constantly working in my backyard in all hight with loud music! I do not
Defendant (Signat((re)))  thorization.  terpreter:  Yes, I need interpreter services. Language:    CERTIFY that a copy of this document will be provided by (circle one) hand-delivery/ first-class mail/ electronic means on.  Any other named defendants  Date		Defendant
CERTIFY that a copy of this document will be provided by (circle one) hand-delivery/ first-class mail/ electronic means on.  Date  By:	<b></b>	IID. association or other
CERTIFY that a copy of this document will be provided by (circle one) hand-delivery/ first-class mail/ electronic means on.  Date  By:	thorization.	The state of the
By: Date		
By: Date	o: Maintiff	circle one) hand-delivery/ first-class mail/ electronic means on.
Date:		LI Any other named defendants
		Date: