

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-205

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Judge:

Complainant:

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**ORDER**

September 15, 2023

The complainant alleged lack of competence by a justice of the peace hearing 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).

Commission member Barbara Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 15, 2023.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

23-205

**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.

Defendant filed a Motion to Dismiss; Plaintiff filed a -page response citing numerous applicable statutes and court decisions. The judge ordered a Dismissal with Prejudice within days of Plaintiff's filing, offering no explanation for her reasoning or any indication that she gave any thought to the parties' arguments at all. Instead, her order contained a single, nonsensical sentence: "Plaintiff Motion to Dismiss - Granted." I am the Plaintiff, and I didn't file a motion to dismiss. Even the Defendant was perplexed and/or dissatisfied with the judge's meaningless order, and so their counsel filed a Motion for Clarification.

It is my contention that lawsuits are a very serious matter for those concerned, and we have the right to be sure that the judge is both qualified and genuinely attentive to the issues at hand. The fact that Judge wouldn't - or couldn't - even produce one logical sentence in her final judgment regarding my case indicates plainly that her " " Considering that she wasn't sufficiently invested to issue a comprehensible judgment, I have no confidence that she grasped the points that I took great pains to make in my Response to Defendant's Motion to Dismiss - or for that matter, that she even read the document(s).

I also find it interesting that in notifying the parties, the order indicates that Judge sent the Plaintiff's copy (mine) via U.S. Mail, while the Defendant's copy was sent via Runner Service. Is there some explanation as to why she would apparently prioritize the Defendant's notification? To my mind, that lends credence to the possibility that her decision had little (or nothing) to do with the facts of the case.

I do not believe that is fit to be a judge.

The signature box of the online complaint form is not allowing me to type in my name, so I hereby sign and affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true.  
(Plaintiff)

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**CIVIL MINUTE ENTRY**

PLAINTIFF(S)  VS DEFENDANT(S)	PLAINTIFF'S ATTORNEY  DEFENDANT'S ATTORNEY	CASE NO.
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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

The Court, being fully advised in the premises, finds Plaintiff \_\_\_\_\_ entitled to recover by \_\_\_\_\_ complaint.  
 Accordingly, IT IS ORDERED THAT

A Writ of Restitution (Order of Eviction) may be issued on \_\_\_\_\_ and is effective immediately upon being served

**NOTICE TO DEFENDANT**

Pursuant to §13-1178(d), as amended, provides that a defendant who is lawfully served with a writ of restitution and who remains in or returns to the dwelling unit or remaining on or returns to the mobile home space or the recreational vehicle space without the express permission of the owner of the property or the person with lawful control of the property commits criminal trespass in the third degree pursuant to section §13-1502

Judgment in the sum of \$ \_\_\_\_\_, late fee \$ \_\_\_\_\_, Court costs \$ \_\_\_\_\_

Attorney fees of \$ \_\_\_\_\_, and an \* interest rate of \_\_\_\_\_ % to be entered for \_\_\_\_\_ and against \_\_\_\_\_, plus \$ \_\_\_\_\_ per day from \_\_\_\_\_ until premises are vacated.

- Default
  - Confession
  - Dismissal  with prejudice  without prejudice be entered as to \_\_\_\_\_
  - Bond on Appeal \$ \_\_\_\_\_
  - Copriurance
- Plaintiff Motion to Dismiss - Granted*

DATED: \_\_\_\_\_ JUSTICE OF THE PEACE  HEARING OFFICER  PRO TEM

**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 NO APPEALS FROM A SMALL CLAIMS JUDGMENT.**

Copy/Notification To:	US Mail	Runner Service	Email	Hand Delivered	Telephone / Voice Mail	For Court Use Only
Plaintiff(s)	<input checked="" type="checkbox"/>					DATE: _____  BY: _____
Plaintiff(s) Attorney	<input checked="" type="checkbox"/>					
Defendant(s)		<input checked="" type="checkbox"/>				
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.