

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-316

Judge:

Complainant:

ORDER

January 12, 2024

The Complainant alleged improper legal rulings 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 January 12, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023 - 316

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.

See Attached

ATTACHMENT TO COMPLAINT AGAINST JUSTICE OF THE PEACE,
, filed by .

I was sued in the Court by , using the name for plaintiff, . The date of filing the lawsuit was . Copy attached (1).

filed a total of lawsuits in the Court during the years and . The majority were signed by under penalty of perjury.

I suspect , Justice of the Peace, in the Court, is bias in favor of and has entered orders in my case, contrary to Arizona law, in his favor to accomplish the goal of keeping my case, and others, in her precinct.

As my case proceeded through her Court, more evidence suggested she was either tacitly or expressly engaged in a pact to assist him in collecting money not expressly owed to him or to . Note, in my case, the exhibits to the complaint show and as entities to whom money was owed. Copy attached (2). There was never anything to show compliance with Court Rules of Civil Procedure, rule 121 a. (no assignment of debt).

One of the first indications of personal involvement in my case came when she changed the Plaintiff from to . This is shown in attachments (1,3 and 4), the first three filings by Plaintiff and attachments (5,6 and 7) the first filings by the Court all with the addition.

For a long time, the reason behind change of Plaintiff's identity to an was hidden. denied that he or his office ever requested that make that change. See, answer to interrogatory two. Copy attached (8).

I filed two motions to dismiss based on improper venue. Both were denied despite my having provided the Court with a copy of A.R.S.22-202, copy attached

as (9) and the Arizona
(Ariz. 2018).

Court decision, *Butler v. Higgins*, 410 P.3d 1223

rulings on both of my venue motions are contained in
attachments 5 and 6, attached hereto. In both rulings,
deliberately ignored Arizona law, I believe, to help by keeping my
case in her precinct, so future court rulings would benefit him.

I filed a Request for Clarification on seeking to understand why the
Court had changed the Plaintiff to an and why the Court denied my venue
motions. Attachment (10).

On entered an order, attached as (11) in which the
Court said:

The first assertion may serve to
explain why the court ignored Arizona law on the subject of venue in
Courts, but it strongly raises the question of who provided this idea to

As to the second statement about , it suggests why changed
the Plaintiff to an . I had raised the issue of practicing law without a
license by observing that if she was not a real party in interest, she appeared to be
trying to represent something called
decided to "help" by adding to his captioned plaintiff thus
making, in her mind, eligible to act on behalf of the plaintiff. [As
an aside, the managing member of was a "
" and in records, was
not even mentioned. This issue, among others, is the subject of a complaint to
the consumer fraud office, Arizona Attorney General.]

As to the statement about the statute of limitations, "
" To say this statement is
ridiculous is an understatement. The "debt" has nothing to do with the statute of
limitations, it is when a default occurs in payment of the debt that the statute

begins to run. In this case, years after the default the claim is barred, a concept unfortunately beyond understanding. Attachment (11).

Additionally, denied two very appropriate and necessary motions. Because of the issues of a 1)real party in interest, 2)who was the provider to whom money was allegedly owed, 3)was there an assignment of a debt and 4)how were damages calculated, I filed a motion for a more definite statement. It was unopposed and denied. I believe the court did not want this information disclosed as it would hamper collection scheme which is the subject of the consumer fraud complaint.

denied an additional motion raising the issue of indispensable parties. This was directed to the "providers" whose patient ledgers showed large sums of money owed to them. Without these parties, a complete resolution of the claims presented would not be possible. There was no opposition to this motion, yet it was denied.

Additional evidence to support my suspicion of collusion between and is: After no one appeared at a mediation conference on behalf of Plaintiff and the case was set for dismissal, on her own motion vacated the dismissal order and ordered a second mediation conference so that the parties would have another chance to resolve their differences without trial. The second mediation, with , as mediator was a high pressure ordeal during which said he had spoken with the judge and I would certainly lose. I don't suggest that this statement was true, but it does indicate confidence that nothing would come of it. The mediator appeared to fully support position, denying there were any defenses available to me, including statute of limitations.

Conclusion: may be just incompetent, but the overall picture I was shown strongly suggests her actions were more than that. I urge the commission to thoroughly investigate what has and is transpiring in the Court.

County

Courts, Arizona

CASE NUMBER CA

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

COMPLAINT

JCRCP Rule 110

I allege that:

This court has jurisdiction over this matter

Venue is proper because:

Defendant resides within the precinct boundaries of this court.

The debt or obligation that gives rise to this action occurred within this court's precinct, at the following location:

Other, pursuant to ARS 12-401.1-19: _____

I also allege that (state the factual basis for each claim):

1. _____ is member with _____ and claims were submitted by _____ to his insurance company, for out of network _____ received.

2. _____ has not paid his portion for the equipment he received, including co-insurance and deductible see exhibits 1-9

3. _____

4. _____

I am asking the court to award me judgment against the defendant(s) in the sum of \$ _____ (state claimed damages)

I am also asking for reimbursement of my court costs and interest at the legal rate from the date of judgment.

I state under penalty of perjury that the foregoing is true and correct.

Date _____ Plaintiff _____

You are required to keep the court advised of your current address and telephone number. The clerk can provide you with a Notice of Change of Address form.

Please inform court staff if interpreter services are required. Yes, I need interpreter services. Language: _____

**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.**