

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-403

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Judge:

Complainant:

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**ORDER**

March 29, 2024

The Complainant alleged a pro tem hearing officer made an improper ruling in a contract 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).

Copies of this order were distributed to all appropriate persons on March 29, 2024.

2023-403

**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.

Hello,

I would like to file a complaint against the Hearing Officer regarding the hearing I had on \_\_\_\_\_, a few minutes before \_\_\_\_\_. I ask that there be an investigation regarding information I was given before and during the hearing, and possible interference from the court's administration. In addition, I believe that the Hearing Officer failed to follow the law with regard to the contract that was in place with the client - telling me that since the client canceled the contract, that nothing in the contract applies - even before it was canceled. I had submitted all emails, texts, and the signed contract/estimate, and I cited the areas of the contract which the client breached, some repeatedly, which proved my case - and it was all disregarded. I was barely given an opportunity to finish a sentence - however, the plaintiff was permitted by the hearing officer to interrupt me every time I spoke.

In addition, on \_\_\_\_\_ I spoke with \_\_\_\_\_ at the courthouse. Since the paperwork that I had been sent mentioned that I can bring evidence in person on the day of the hearing, I asked if I can also appear in person at the hearing. He told me that if the judge is there that day, and not working from home (appearing telephonically), that I could appear in person. He suggested that I call the day before to check to see if the judge would be there that day. When I dropped off additional paperwork at the courthouse, I asked \_\_\_\_\_ about appearing in person again and he remembered talking to me on the phone. He reiterated that yes, I can appear in person, and reminded me to call the day before the hearing to confirm the judge would be present in the courthouse, and not calling in from home. He also said that if I do show up and the judge is not there for some reason, I could use one of the rooms in the courthouse to make the call.

On \_\_\_\_\_ at \_\_\_\_\_ the day before the hearing, I called the courthouse to ask if I can appear in person and the lady who answered said, "\_\_\_\_\_."

\_\_\_\_\_ When I arrived to check in for the hearing on \_\_\_\_\_ the lady behind the counter checked me in, saw that it was a phone hearing, then went and had a second lady join her at the window. They told me that I couldn't be there in person as it was a phone hearing. I explained that I had called several times and was told that the court phone system can only be used from the courthouse and that I could appear in person (as mentioned, the court paperwork gave me the option to bring evidence on the day of the hearing, so this made sense to me). The second lady was becoming increasingly frustrated, and when I asked if there was a room I could go to for the call, she angrily told me no, and that all of the rooms were already in use. Then both ladies told me that I would have to sit in my car for the call.

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**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

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As there was no time to drive back to my office before the hearing, I sat in the car where there was no room to spread out my emails/contracts/court papers, and it was degrees outside. This scenario had me at a severe disadvantage. About 2 or 3 minutes into the hearing, and after we introduced ourselves, Hearing Officer put us on hold to take another phone call. When she came back several minutes later, she had us introduce ourselves again. From that point on, she seemed irritated, and I am left to wonder who it was that called in, what was said, and if perhaps someone from the court's administration interfered with the case.

I respectfully request that all documents and phone calls be reviewed (if needed, I have a recording of my phone conversations with the court administrators mentioned above telling me I can appear in person). It makes no sense that I have to pay the client, leaving me with no money for the work that I did completely according to contract (it actually leaves me in the negative). In fact, she was awarded more than what she asked for, even though she never said what she was claiming damages for, and there was no explanation in the judgement regarding the amount awarded. What exactly am I giving the for? The plaintiff owes me money, not the other way around - I had completely upheld my end of the contract. The only one who said the contract was invalid was the Hearing Officer, it was not a claim made by the plaintiff. Wouldn't this basically invalidate every contract ever signed, should the client not have the funds or desire to pay? Since the client canceled the contract in a manner that was not considered acceptable (per the contract), it technically wasn't canceled until the next day when my attorney accepted the cancellation and provided the client with the final invoice - all in the same email. I was told by the Hearing Officer that since the client attempted to cancel the contract the day before we sent the final invoice, the final invoice doesn't count. None of this makes sense to us. Why would a contract that was willfully entered into by both parties be voided by the court when there are provisions in the contract as to how to cancel the contract? I am at a loss as to why the court feels that once a contract is cancelled everything that was in the contract before the cancellation is null and void - and that I have to pay the plaintiff. It seems to me that this would make every contract in AZ completely useless.

Again, I respectfully request that someone review this case, along with all of the documents submitted to the Court, and listen to the recording of the hearing, including the incoming call. If the Court can't provide the State with the evidence that I submitted, I will gladly to drive to the courthouse and present it myself. I had submitted over a hundred pages of emails and texts that prove fraud on the part of the Plaintiff, and also prove that she lied to the Hearing Officer.

Thank you for your consideration.