

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-478

Judge:

Complainant:

ORDER

July 30, 2024

The Complainant alleged improper legal rulings and poor demeanor 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 Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 30, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022 - 478

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.

I had a simple "Default Judgment" case before the judge in order to collect my security deposit. The amount was _____. The law provides double that amount as punitive damages (_____). Plus the cost for filings, costs came to to _____.

Note: "The defendant has NEVER participated in the process at all...EVER"! So at this point, my case was dismissed (_____) for lack of service (mail). After paying to have it reinstated (_____), I hired a Process Server to serve defendant (_____), but again "no service". It was again dismissed for lack of service!

Frustrated, and after receiving guidance from the representative at the court's office, I filed to have the case transferred to Regular Civil (_____) and filed a motion to serve defendant by Public Service. It was granted. (_____)

I also tried to file a new and UPDATED version of the case showing the out-of-pocket monies spent to get it to this point, plus the cost of NOT fixing a hole in the ceiling that caused me to move in the first place ARS 33-1367 ("... in either case, recover and amount not more than _____ months periodic rent...") that I didn't include in the original suit) but was told by the courts' representative that I COULD NOT file the updated case until the ORIGINAL case was SERVED on the defendant first (even though that case had been dismissed). So I went and had the original case served by newspaper on the defendant.

I then received ANOTHER notice that case was going to be dismissed, so I again went to the court and SHOWED them that I had paid the newspaper (_____) and was simply waiting (1 month) before I would have proof that defendant was served. I filed the updated complaint which totalled _____ (principal costs: _____ attorney fees and _____ interest).

I filed the new Application of Default Judgment (_____), and then waited the appropriate time for a defense response... none occurred. I then filed a Request Default Judgment on (______). This was DENIED! I called into the court to find out why the Plaintiff's request for DEFAULT Judgment was denied (_____) and was informed of a hearing being set. I received notification of an upcoming remote hearing on (_____).

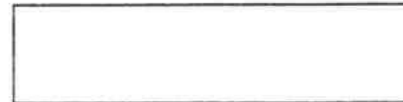
The rules state that if defendant was served by Publication, then a hearing MUST be held, and I believed that the denial was so that the court could correct its procedural error. The hearing occurred on (_____). I kept the camera OFF so that I could simply be judged on testimony alone, but because the court staff didn't provide her all of the documents that I submitted, I was forced to turn it on in order to show her the documents that were submitted.

The negative look from the Judge was immediate! She took offense to my testimony (even AFTER explaining to her that I submitted a complete breakdown of the costs to the court, BUT the courts' personnel continuously refused to give the judge those items and at THAT point the Judge blamed ME for her not having the materials... (timecode _____ into the _____ recording of the case).

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The judge looked at the document that I held up, then asked her employee whether or not she actually HAD the document that I showed her, because she could not make out all of the costs. Her employee said " " she DID IN FACT have the documents, and would send them to the Judge. The judge then put me ON TRIAL for the costs of the 'Initial Case' and the 'Updated Case'. I clearly explained it all to the judge (trying to show her that THIS ENTIRE CASE is all the SAME CASE and she became agitated with me... timecode). But she continued to separate the costs, at which point I told her that the people downstairs are responsible to which she said " . She then tried to throw out part of my case and ONLY give me the initial claim per her rationale (timecode).

This is a DEFAULT HEARING, and because the defendant CHOSE not to participate... I was NOT obligated to endure what she put me through. At , she had made it clear that it was NO LONGER a Small Claims Case... she had arbitrarily changed it into something that required my providing material in order to prove a case (without a defendant/ defense). I tried to clarify to which she got hostile and said " ' (because she wasn't allowing me get out a full sentence without going through HER MOTIONS of incorrectly disposing of the case which I had already waited months for her to hear that she was trying to quickly dispose of... I WANTED TO BE HEARD)

At (timecode), I asked if I needed to submit the video of proof for her to look at since she was now going to take the case under advisement. She said that the case had been heard by someone else... IT HAD NOT... it is a DEFAULT JUDGMENT CASE. She stated that (timecode) that because of what the representatives instructed me to do that it "becomes a Red Flag" and wanted to ensure that it's done properly (although she has already diverted from procedure)

I submitted the evident on via a SanDisk flash drive. On it was a video of the walk-thru which included the manger saying the apartment was in excellent condition and I would get my deposit back , plus emails, receipts, and letters all supporting my position. The hearing was set for on , I called into the court and sat... for hours! I called into the court and spoke to courtrooms' clerk, telling her that I was still waiting. She put me on hold, and then came back approxiamtely minutes later telling me that I was in the wrong room and the judge had already waited for me and has dismissed the case! She said "

On . I filed a motion to "Reopen Case and Render Judgment in Plaintiff's Favor".

The judge had all of the evidence, and all I required was a signature in this Default Judgment.

See Attached Document for continuation!

Judge's Errors

I filed for Default Judgment (two step process per Arizona Rules of Standards)

1. All documents stated Default on them, but judge stated outright that this was NOT going to be a default case (included video court case)
2. I TRIED to explain it to her, but she displayed an obvious disdain for me as the PLAINTIFF, and said that I gave her RED FLAGS due to her staff giving incorrect information and failing to follow the established rules on the judicial process.
3. After clarifying that it was her staff that said I could NOT file the amended application without FIRST serving the initial case that had outdated information, the judge said that her staff " " (included video court case), showing more indifference for a plaintiff who wanted proper resolution to this case.
4. The rules state that a hearing must be held if the defendant was served by publication (WHICH IS THE ONLY REASON A HEARING WAS SCHEDULED AT ALL). However, DURING the hearing the judge AGAIN showed bias towards the PLAINTIFF by become irate when I kept trying to explain to her that reason she had 'two' applications were because I was FORCED into doing it this way and it was ALL ONE CASE. She rudely told me to stop talking (she was clearly in a RUSH to dispose of my case and unjustly rule on what she clearly did not understand).
5. I told her that I was only trying to be heard. I had spent a considerable amount of money and time to get it before the judge, and her bias was obvious as well as opposed to me (that she knew the process and MY input was not only not needed... but a negative catalyst to NOT resolve anytime soon).
6. She stated that she did not know how it got from to over ... and I was prepared to happily explain it to her. But when I was trying to address it, the judge shut me down interrupting and stating that she didn't have certain documents. I told her that I submitted everything. She turned and asked her clerk whether the clerk had those documents to which the clerk said " " (which weren't given to the judge PRIOR to her chastising me for not supplying the appropriate documents!) The judge THEN wanted to see all of the evidence to PROVE my entire case (which I asked if I could submit to her following the current hearing.) This way, after seeing it, she could then sign off on the default judgment since at THAT point, all of the points per Arizona rules would have been met. A) Submitted an application for default B) served defendant C) waited appropriate time D) had hearing
7. I submitted the evidence on a flash drive on
8. The judge should have signed off on the application, but instead DENIED REQUEST OF DEFAULT... Incomplete (all of the forms were NOT there). I had submitted the complete document, but the judge misplaced it when it was time to approve it, and quickly denied it.
9. I took my 'court stamped' copy to the court (to show that the judge actually DID have it) and tried submitting it again to the judge, who instead of signing

it... showed further bias to 'this plaintiff' by scheduling yet ANOTHER hearing on this DEFAULT matter (once she verified it all, the rules state that judge will impartially sign it... since there is NO DEFENDANT). So, I signed onto the court's courtroom and waited... no judge. This was on

10. I hung up and called the court and spoke to staff who said that she's in the building, so I called into the room and this time got [redacted] who told me to hold on. After an additional [redacted] minutes, she came onto the line and said the judge had left... and I would need to file a motion, instead of the judge following the rules and simply signing the default. The case was dismissed without prejudice FORCING ME to again PAY and file yet another motion to reopen the case and render judgment in plaintiff's case
11. On [redacted] I FINALLY heard back from the court on a new hearing date... [redacted] I personally went into the courthouse so that any questions could be answered, and I would be physically present. The judge, at THIS point, delayed a signature to the DEFAULT JUDGEMENT for a period of [redacted] months.
12. On [redacted] I went to court and after the judge further displayed bias against me when I again tried to clarify the discrepancy from the clerk's office (she decided to argue with me about what I ' [redacted] by telling me they DIDN'T do something that they actually DID do.) I decided to remain silent and just get the judgment. I calculated the amount, and tried conveying THAT to the judge who kept mis-calculating the amount. I again was NOT going to argue with the judge and after a time, was awarded the judgment. The judge DID note that "[redacted] even though she stated before that it was no longer a '[redacted]' (included video court case). She ALSO states the facts about being in the wrong zoom room when she dismissed THAT case and that the defendant NEVER participated with the case FURTHER proving that this was a DEFAULT JUDGMENT gone awry!
13. After securing judgment, I sent a letter to defendant about how much was owed. I was sent a check that subsequently BOUNCED at the bank that it was written against (see collection steps folder). I then moved to GARNISH the bank account that the bad check was written on.
14. On [redacted] I filed the Application for Writ of Garnishment (page 8), along with Writ of Garnishment and Summons (page 12). The garnishment package has [redacted] pages, along with instructions to complete. The judge was given FORMS 1&4 and had to WAIT for the Garnishee (the bank) to respond.
15. After the Garnishee responded, I waited the appropriate timeframe and then on [redacted] I filed forms 5&6 which is the Application for Garnishment Judgment (page 27) and Garnishment Judgment (page 32). ALL IT REQUIRED WAS THE JUDGE'S SIGNATURE.
16. The application and garnishment on [redacted] were "[redacted]" - stating "[redacted]" I called the court to tell them about the error, and the clerk was being nasty and rude saying that I

- had to file a motion in order to tell the judge that she made a mistake. (I've recorded all interactions with the court).
17. I went to the courtroom to see the judge and was met by her clerk who said that I would NOT be able to see the judge (in an OPEN courtroom). So, I brought the instructions and asked that take them to the judge and she read them, because her mistake was the FINAL step to the garnishment (it even shows on the court's site, that they think that I submitted the same documents, when they are CLEARLY DIFFERENT). After getting THAT encounter recorded and realizing that she could make errors and make me NOT ONLY WAIT for months to have it addressed in any manner, but have her staff run interference to also support the errors.
 18. I then went downstairs and filed a motion to see the judge and was told that it would go right up to her. She could then see that she made an error and simply SIGN THE DOCUMENTS. Instead, I read on the website that a date of _____ was set to hear the matter again.
 19. I then sat down and detailed this complaint for the commission, contacted _____ to investigate this, and am conferring with an attorney to bring a lawsuit against the judge, the court, and the state of Arizona. THIS IS A TWO STEP DEFAULT JUDGMENT CASE, and I am the innocent party bringing the action, but have been negatively treated by this judge EVERY SINGLE SOLITARY STEP OF THE WAY. She's dismissed my case every chance she gets and on several occasions made me pay more monies to submit motions to correct all of HER errors.
 20. Had she followed the rules and procedures, I would have had my money MONTHS AGO, but it's clear to me and OBVIOUS that she is using her position to withhold my money using her authority AND court staff to block me, regardless of the actions she does to force me to act in order to get resolution. Fighting HER and the courts should NOT be my full-time, stressful, unsatisfying job!