

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-450

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Judge:

Complainant:

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**ORDER**

August 14, 2024

The Complainant alleged denial of due process 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 Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 14, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

**2023 - 450**

**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.

Please see attached complaint and backing documents.

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Reference County Justice Court Case # Judge  
Regarding concerns about case processing with Judge in the above noted matter.

Judge dismissed my case, based upon claims of non-response to a Motion to Dismiss from opposing counsel. However, Judge was incorrect.

On I filed an initial petition for damages in County Justice Court. The parties were properly served within the next week. On a motion to dismiss was filed, with a copy not arriving to me until According to clerk's office, I had until to respond. I filed an amended petition at on with service to the opposing party on However, on Judge dismissed the case with prejudice citing “ ”.

The clerk's office provided instructions that “ ” was invalid and required personal service, despite the rules indicating otherwise.

When referencing the Justice Court Rules of Civil Procedure, I was within the correct timeframes and procedures. Rule 116 allows for 10 days to respond along with rule 115 allowing for 5 extra mailing days. clerk's office verified the timeframes with the date being the final date.

Under rule 119(a), A party may amend a pleading one time within twenty-one (21) days after service of a responsive pleading. If no response is required, a party may amend a pleading within twenty-one (21) days after the pleading was filed. If a motion is filed under Rule 116(a)(2)(iv), (a)(3) or (a)(4), a party may amend a pleading one time before the date on which a response to the motion is due.

The opposing parties Motion to Dismiss was filed under Rule 116 (a)(2)(iv). I responded by amending my petition under rule 119(a).

Further, without knowledge of the dismissal, opposing counsel filed a second motion to dismiss on This filing supports my filings being within the timeframes.

Judge dismissed the case with prejudice, preventing me from addressing the Court about the mistake or filing an appeal.

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Upon researching past judicial conduct decisions, Judge [redacted] has prevented others from the right to be heard as addressed publicly by the Judicial Conduct Commission (complaint with mention of a prior complaint within this document).

Judge [redacted] was wrong, placing me in a position of unsurety about approaching her Court ever again. Being a Legal Paraprofessional, licensed in Family and Civil Law, I've been advised by other attorneys to avoid certain filings in [redacted] based upon Judge [redacted] actions.

I am very concerned about future interactions, whether personal or professional if her actions are the standard of practice.

Copies of all filings and case information are attached for review. Please feel free to reach out to me with any questions at [redacted]

Respectfully,  


Attachments:

- Case Record Sheet
- Motion to dismiss/verification of rule 116(a)(iv) claim
- 1<sup>st</sup> Amended complaint
- Verification of service
- Court dismissal
- Motion to dismiss 1<sup>st</sup> amended

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Case Number: \_\_\_\_\_ Filed: \_\_\_\_\_ Case Status: Disposed  
 Assigned Judge: HON.

Next Court Date: None Found

**Parties:**

	Name	Attorney	Service Date	Extension Service Date	Answer Date	Judgment For	Judgment Type	Judgment Date
Plaintiff							Dismissed with prejudice	
Defendant							Dismissed with prejudice	

**Case Events:**

Date	Time	Matter Type	Event	Result
		Due Date	Response/Reply to Pleading	Pleading Sent For Ruling
		Customer Service	Incoming Phone Call	Completed
		Customer Service	Incoming Phone Call	Completed
		Motion	Motion to Dismiss	Granted
		Notice	Notice of Appearance	Filed

**Documents: (Available at Court House)**

Document Type	Document SubType	Document Caption	File Date
Civil Documents	CIV - PAYMENT RECEIPT	Payment	
Civil Documents	CIV - MINUTE ENTRY	CIV - MINUTE ENTRY-CASE DISMISSED	
Civil Documents	CIV - SERVICE	CIV - AMENDED SERVICE	
Civil Documents	CIV - PAYMENT RECEIPT	Payment	
Civil Documents	CIV - COMPLAINT	CIV -AMENDED	
Civil Documents	CIV - NOTICE	CIV - NOTICE OF APPEARANCE	
Civil Documents	CIV - MOTION	CIV -TO DISMISS	
Civil Documents	CIV - PAYMENT RECEIPT	Payment	
Civil Documents	CIV - SERVICE	CIV - SERVICE	
Civil Documents	CIV - SERVICE	CIV - SERVICE STAT AGENT	

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Email:  
Attorney for Defendants

IN THE COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF

*Plaintiff,*

v.

*Defendants.*

Case No.

**DEFENDANTS' MOTION TO DISMISS**

[Assigned to The Honorable

*You have a right to file a written response to this motion within ten (10) days from the date this motion was served. Your response must be filed with the court, and copies of your response must be served on the other parties as provided by Rule 120 of the Justice Court Rules of Civil Procedure. The court may treat your failure to respond to a motion as your consent that the motion be granted.*

**DEFENDANTS' MOTION TO DISMISS**

Defendants

and

through undersigned counsel, submit this Motion to Dismiss Plaintiff's Complaint in this action pursuant to Rule 116(a)(iv), Plaintiff Complaint alleging

**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.**