

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-040

Judge:

Complainant:

ORDER

May 31, 2024

The Complainant alleged poor demeanor and bias by a justice of the peace in an eviction hearing.

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 members Regina L. Nassen and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 31, 2024.

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

FOR OFFICE USE ONLY

2024-040

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.

During our Eviction Hearing on _____ at _____ for case _____ . Where Judge _____ was the presiding judge as he called our case, we gave our names and raised our right hand to be under oath. Judge _____ proceeded to ask what was the number we believed we owed in rent. When attempting to explain the number and our confusion from the court's summons and the five-day notice that was served by the plaintiff. Judge _____ immediately interrupted me by being aggressive and harassing me and telling me that if I was not ready to produce the number. He was going to move me to the bottom of the stack of his cases. When I spoke up and said to him Judge I'm ready he interrupted me again and did not let me speak any further continuing to the next case. We waited patiently as the docket went on, and when he came across our case again and called it. He asked the same question. I said yes that was correct although minus the _____ the plaintiff was seeking for a prior balance due to it being a late fee. Judge _____ immediately became argumentative with my statement and stated they were not seeking late fees when the ledger clearly showed that the charge was a late fee. Counsel for the plaintiff interrupted and stated they were indeed seeking a prior balance charge of _____. Judge _____ said that I had stated on the record that I wanted to pay more to the Plaintiff. Judge _____ Put words in my mouth that I had not stated and did not correct the record or retract from his statement. Being biased against us, When I told him that was not what I said he said _____ I proceeded to tell him that I had been attempting to give my statement for my legal defense although he kept interrupting me. I then proceeded to provide my argument and the plaintiff's attorney objected to a statement I made. When Judge _____ sustained the objection and I asked Judge _____ under what grounds he was sustaining he proceeded to state under the grounds that the attorney stated without acting in his Judicial capacity to explain it himself to us. Instead, he let the attorney decide the legal grounds for him sustaining the objection being biased. Allowing the attorney to run the courtroom. While I was also giving my Legal argument Judge _____ instead of listening to my legal defense started cleaning his desk standing from his bench and leaning back and I felt as if he was ignoring my comments because he also just leaned back in his chair as if my Legal argument was not important to him. He already had his decision in place and granted the award to the plaintiff regardless of what my defense would be. He also did not take the proper time to ensure that the Exhibits I had mentioned that I had sent to the court were submitted into evidence for our defense. We believe he also did not revise the ledger or the court summons appropriately as he was arguing with me about the _____ charge while being wrong and did not apologize for his error. The Judge did not show Impartiality or fairness towards us and instead was biased and argumentative as well as lying under the record of a statement I did not make to the court without correcting the record. We were not the only Defendants Judge _____ Acted like this towards. I was amazed at his unethical behavior toward the Defendants. Both the attorney and the Judge lied under oath that the charge of _____ was not a late charge fee. Judge _____ granted the charge to the plaintiff as well without taking the appropriate measures to ensure that the attorney for the plaintiff was being truthful under oath. This lets you conclude that indeed the courtroom for this Eviction case is run by the Plaintiff's attorneys and not by the Judge as the Judge did not act with DUE DILIGENCE to ensure the Monetary Award was correct. Leaving us speechless as to the unfairness of the biased decision of Judge _____. This is a complaint solely on the Judge's behavior towards us because he lied on the record that the Plaintiff was not seeking late fees but they were based on the information shown on the >

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FOR OFFICE USE ONLY**COMPLAINT AGAINST A JUDGE**

Name: Judge's Name:

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the ledger which I will attach as supporting documentation. Judge _____ allowed the Plaintiff's attorney to use dirty tactics and not disclose to the court the appropriate category of the charges. When attempting to argue the late fee the Judge interrupted me aggressively and stated that the plaintiff was not seeking late fees put words in my mouth that I did not say on the record and did not correct himself when I called him out in regards to the statement he alleged I said. He also allowed the attorney to not be honest and not disclose the proper charges that were being sought into the category described as late fees in the summons presented to the court. The Judge did not act fair and instead was biased. He did not take the appropriate time to view the ledger and the charges and correct the Plaintiff's Attorney when I argued the charges. Instead, Judge _____ cut me off aggressively and was confident enough to state that the plaintiff was not seeking late fees and sided with the Plaintiff's attorney.

Even though he was wrong. Gave the Plaintiff's Attorney _____ minutes for his closing argument but only gave me _____ seconds to give my closing argument did not allow me to present my case fairly when attempting to show the court that the charges being sought by the Plaintiff's attorney were not being presented properly to the court and instead was hostile bias and aggressive. Judge _____ was Biased and did not use impartiality or fairness. Allowed the Attorney to lie under Oath and also sided with him without using Due Diligence. Instead, he argued with me cut me off when attempting to explain to him the situation, and did not allow me to present the Exhibits sent to court to defend and support my legal defense. He instead raised his voice when it was not necessary to do so in a situation of hardship, argued about facts, and instead sat on his Bench and sided with the attorney by allowing the attorney to lie on the record and harass me. The Judge also agreed with the attorney in all aspects and did not ever attempt to allow me to have a fair case. Judge _____ Immediately was going to rule on the case in the beginning without allowing me to give my legal defense and putting words in my mouth I did not say. Judge _____ Violated. Rule 2.2 Impartiality and Fairness Rule 2.3 Bias, Prejudice, and Harassment. Rule 2.6 Ensuring the Right to be Heard. Rule 2.15(B) Responding to Judicial and Lawyer Misconduct - By allowing the Plaintiff's Attorney to lie under oath and not specify the proper category of the additional prior balance Plaintiff was seeking of _____ and instead allow attorney to lie under Oath and state that they were not seeking late fees when Indeed it was a late fee that the Plaintiff added into the Ledger for failure to post our prior month payment when paid on _____ and instead the plaintiff neglected to do so the following day on _____ which added a Invalid late fee to the ledger of _____ which the Attorney was seeking for his client the Plaintiff without the attorney properly disclosing it to the court or in the summons as a late fee as to what the charge was for. Convincing Judge _____ that it was under the basis of other fees in the ledger without Judge _____ properly using Due Diligence to ensure the information was correct. What shock me the most was that Judge _____ in the second attempt when calling our case was immediately going to rule without asking what my legal defense was. I felt discriminated by Judge _____. I am a United States Citizen and allowing Judges like Judge _____ to be biased and act the way he did without being held accountable is unacceptable. The Judge did not act like that when he came out in the news and was being recorded for the public's eye. He sat there and listen while being on camera its nothing different than being behind close doors. If his is not competent enough to act diligently and ensure all the information is correct then he should not be presiding in that court house!

IN THE _____ COURTS OF THE STATE OF ARIZONA
IN AND FOR THE _____ PRECINCT

Attorneys for Plaintiff

Plaintiff

Case No. _____

**SUMMONS
(EVICTION ACTIONS)**

Defendant(s)

YOU ARE HEREBY NOTIFIED THAT YOUR LANDLORD IS SUING TO HAVE YOU EVICTED. READ THIS LEGAL PLEADING CAREFULLY.
THE STATE OF ARIZONA TO THE DEFENDANT(S) NAMED ABOVE.

1. YOU ARE COMMANDED AND SUMMONED TO APPEAR and answer the attached complaint in the above captioned action in the court named above. It is recommended that you appear no later than fifteen (15) minutes before the time and date scheduled below:
 - a. TRIAL DATE: _____
 - b. TRIAL TIME: _____
 - c. COURTROOM: _____
2. **NOTICE IS HEREBY PROVIDED** that a landlord, tenant, attorney, or witness may participate at the initial hearing through telephone or video conference by contacting the court for directions at least two hours before the hearing, to ensure the court has time to make necessary arrangements.
3. You must appear at the date and time shown above if you wish to contest the allegations in the attached complaint. For additional information, please review the Residential Eviction Information Sheet, a copy of which is being served with the Summons and the Complaint.
4. IF YOU FAIL TO APPEAR, a judgment will most likely be entered against you, granting the relief specifically requested in the complaint, including removing you from the rental premises.
5. If you do not agree with the allegations in the complaint, you should file a written answer admitting or denying some or all of the allegations and pay the required fee. In cases of hardship, you may apply for a deferral or waiver of the filing fee, but be aware that the court does not automatically grant deferral/waiver applications.
6. A trial may be held on the date set forth above, or, upon a showing of good cause, it may be continued for up to but no longer than three (3) days.
7. Request for reasonable accommodation for persons with disabilities must be made to the Court at least three (3) Court days in advance of a scheduled Court hearing.
8. [EN] If you require the assistance of an interpreter, you must contact the court before the hearing.
[ES] Si usted requiere la ayuda de un intérprete, usted debe entrar en contacto con la corte antes del juicio.
[FR] Si vous avez besoin de l'aide d'un interprète, vous devez entrer en contact avec la cour avant l'audience.
9. The attorney for the Plaintiff must be provided a copy of your Answer and all other pleadings you file in this lawsuit. The address for the Plaintiff's attorney is set forth in the top left corner of this Summons and the Complaint.

GIVEN UNDER MY HAND and the Seal of this Court

Justice of the Peace

Date

By: _____
Clerk

Date: _____ Time: _____ Served By: _____ Served To: _____

Reference: 240118-000093

IN THE _____ COURTS OF THE STATE OF ARIZONA
IN AND FOR THE _____ PRECINCT

Attorneys for Plaintiff

Plaintiff

Case No. _____

**COMPLAINT
(EVICTION ACTIONS)**

V.

Defendant(s)

TRIAL DATE: _____
TRIAL TIME: _____

YOU ARE HEREBY NOTIFIED THAT YOUR LANDLORD IS SUING TO HAVE YOU EVICTED. READ THIS LEGAL PLEADING CAREFULLY.

COMES NOW PLAINTIFF, by and through undersigned counsel, and for its Complaint against Defendant(s), alleges as follows:

1. This is a matter concerning _____ and the community commonly known as _____.
2. This Court has jurisdiction to hear this matter and is the appropriate venue for the hearing of this matter.
3. A lease contract exists between the parties for the premises of _____
 - a. Pursuant to the contract, monthly rent of _____ is due and payable no later than the first day of the calendar month.
4. On _____ Plaintiff made written demand upon Defendant(s) for return of possession of the above-described premises ("notice") that was served in the following manner: Certified Mail. A copy of this written demand is attached to this Complaint and is hereby incorporated.
5. Plaintiff is authorized and entitled to file this action, and has done so, for the following rationale:
 - a. **Non-payment of rent, a violation of A.R.S. § 33-1368(B).**
 - i. **Defendant failed to pay rent as agreed in the contract. Rent has been unpaid since _____ A prior balance of _____ is also due and unpaid. Pursuant to the contract, an administrative charge of 0.00 is also assessed, for the preparation and service of the above-referenced notice.**
 - ii. **The contract requires Defendant(s) to pay utilities charges, and 0.00 is owed to Plaintiff.**
 - iii. **The contract contains provisions for the assessment of late payment penalties. These fees are calculated as a flat fee of _____ plus a daily late fee, beginning on the _____ day of the month, of 0.00.**
 - iv. **In an action based solely upon non-payment of rent, reinstatement of lease and dismissal of this action is possible if, prior to entry of judgment, payment is made of all rent, late fees, court costs, and attorneys' fees.**
6. As of the date of signing this Complaint, Defendant(s) owe the following sums to Plaintiff: Rent (including past-due balances and/or Credits) of _____; Late Fees of \$0.00; Rental Concessions of \$0.00; Utilities of \$0.00; Transaction Fees (Notice, NSF, etc.) of \$0.00; Month to Month \$0.00; Other Damages of \$0.00; Taxable Costs (filing fee plus estimated service costs) of _____; and Attorneys' Fees of _____. The total amount sought as of the date is _____.
7. Defendant DOES NOT reside in a building with five or more units that has a mortgage backed by Fannie Mae or Freddie Mac (FHFA), the Federal Housing Administration (FHA), the U.S. Department of Agriculture (USDA), or the Veterans Administration (VA).

WHEREFORE, Plaintiff demands [1] judgment for possession of the above described premises; [2] a monetary award for the amounts described above plus continuing rent, continuing late fees, continuing costs, continuing attorneys' fees, and continuing damages as of _____ (as applicable); [3] a Writ of Restitution 5 days from the date of the judgment; and [4] such other and further relief as this Court deems just and appropriate.

Pursuant to Rule 5(b)(8), R.P.E.A., I verify that this complaint is true on the basis of a reasonably diligent inquiry.

Attorney for Plaintiff

Date

IN THE COURTS OF THE STATE OF ARIZONA
IN AND FOR THE PRECINCT

Attorneys for Plaintiff

Plaintiff

Case No.

V.

Defendant(s)

JUDGMENT
(EVICTION ACTIONS)

☐ BY STIPULATION

THIS MATTER having come on regularly before this Court, and, with the parties having presented their evidence and the Court having considered the same and being fully advised in the premises, the Court hereby finds as follows:

1. Plaintiff(s) in this action is/are. Plaintiff(s) was/were represented by counsel.
2. At least two (2) days before trial, Plaintiff(s) served Defendant(s) with the Complaint, the Summons, the Notice(s), and the Residential Eviction Information Sheet.
3. Defendant(s): ☒ appeared in person ☐ appeared through counsel ☐ failed to appear
4. After appearing, the following plea was entered by Defendant(s): ☐ guilty ☒ not guilty
5. The Court concludes Defendant(s) committed a material breach of lease pursuant to A.R.S. § 33-1368(B) and therefore finds Defendant(s) guilty of special detainer.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Judgment in this action shall be entered in favor of Plaintiff(s) and against Defendant(s), as for:

- A. Immediate possession of the above-described premises, with a Writ of Restitution to Issue on:
- B. Rent in the sum of
- C. Late Fees in the sum of \$0.00
- D. Concession Repayment in the sum of \$0.00
- E. Utilities in the sum of \$0.00
- F. Transaction Fees in the sum of \$0.00
- G. Other Damages in the sum of \$0.00
- H. Month to Month in the sum of \$0.00
- I. Taxable (Court) Costs in the sum of
- J. and Attorney Fees in the sum of

TOTAL MONETARY AWARD

- K. Interest is also awarded upon monetary awards at the rate of per annum until the above amounts are paid in full.

WARNING! Pursuant to A.R.S. § 12-1178(D), a defendant who is lawfully served with a writ of restitution and who remains in or returns to the dwelling unit (§ 33-1310), mobile home space (§33-1409), or recreational vehicle space (§ 33-2102) without the express permission of the owner of the property or the person with lawful control of the property is subject to arrest for criminal trespass in the third degree (§ 13-1502).

STIPULATION TO JUDGMENT: Pursuant to Rule 13(b)(4), RPEA, you are notified as follows: **WARNING!** [1] Plaintiff's representative is not a court employee. [2] By signing below, you are consenting to the terms of a judgment against you and that Plaintiff will now be able to evict you. [3] You may have your wages garnished and the judgment may appear on your credit report. [4] You may lose your right to subsidized housing. [5] You may NOT remain at property, even if the amount of the judgment is paid in full, unless you obtain in writing either an agreement to stay or a new rental agreement. Furthermore, you hereby and hereinafter waive all rights to demand a trial, submit a motion for reconsideration, and/or appeal this action.

DECLARATION OF MAILING DELIVERY:

Plaintiff: ☐ Mailed ☐ Delivered in Open Court
Defendant: ☐ Mailed ☐ Delivered in Open Court

I AGREE: _____

**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.**