

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-041

Judge:

Complainant:

ORDER

May 31, 2024

The Complainant alleged a justice of the peace made improper rulings and denied her the right to be heard in an eviction 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 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.

2024-041

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.

On [], my daughter and I was subject to a trial as defendants. The first offense by this judge is approving the complaint to proceed to trial. This decision should have never been granted, because the complaint (eviction action) is a direct violation of A.R.S. 33-1381 (Retaliatory Conduct Prohibited), as there was a complaint filed against our property for illegal and unjust billing without notice for a unit my family was displaced. The eviction action is an act of retaliation due to our complaint, as the plaintiff. The property offered us a new lease due to displacement but then billed my family from the old leased unit, on the new lease unit. The property billed us for utilities that was charged to the old leased unit even though we no longer dwelled in the unit. The property threatened eviction, charged us fees that were malicious and not part of any contract or agreement and continued to use means of intimidation and coercion to force us to pay these fees we were not legally obligated to pay. These unjust fees were then billed to our new lease. Disputes continued from []. Then on [], we filed for injunction, a complaint for non-payment of rent; this is why their complaint is a violation of A.R.S. 33-1381 which prohibits this action. However, Judge [] having privy this information, and contrary to law, continued to allow proceedings of this eviction action, which demonstrates a violation of law and reflects impartiality. Furthermore, information was provided to Judge [], that the property fabricated accounting in order to allege there was a non-payment of rents. Despite this knowledge, the Judge [] did not respond to this misconduct. The property acted to cover up their wrongdoings and lied about non-payment of rent, when in fact they were charging us disputed fees from the old lease onto our current lease. The property even claimed we owe charges in our new lease for utilities, when our lease clearly states we pay "NONE," as these types of payments are made directly to the utility companies. The judge [] did not use diligence in reviewing information provided to him to support evidence of these facts. In addition to lack of diligence and non-compliance with the law, he continued to show impartiality to the property by not allowing myself or my daughter an equal and fair chance to be heard. When my daughter and I was trying to explain to him about the altered information provided by the property, he abused his power by literally yelling and screaming at us to "shut up" during these proceedings, it was uncalled for and not necessary by any means to act in such an offensive and abusive manner. His actions were extremely unprofessional and unfair. When my daughter and I would try to mention the misconduct by the property we were interrupted and/or told to "shut up." The judge [] refused to acknowledge the misconduct and willfully neglected his own responsibility to maintain fairness. He allowed the property's lawyer to speak freely but did not allow myself or my daughter to reply to the blatant lies the lawyer was alleging. The judge [] did not give us an equal or fair chance to be heard or defend ourselves. The judge was very impartial to the lawyer and made assumptions during the trial that my daughter and I had an attorney; he yelled at her during her first opportunity to speak, yelling to shut up multiple times. When I stated, "He stopped yelling and stated he" [] despite not disclosing representation and being well into the proceeding. The clear difference in treatment of us as defendants and the property's attorney as plaintiff further supports the biased and unfair behavior by the judge. My daughter was simply trying to speak and I am disturbed by the way we were treated, as we were not given an equal right to be heard. Most importantly, the lack of diligence given to our case resulted in violations of the law and improper damages to occur, as a result. Not only did the judge refuse to let

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

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~~We~~ US explain to him that the property submitted altered accounting but they were also billing us differently than the accounting provided to the court. At minimum, our lease states we pay no utilities so any claim for those charges are fraudulent. The judge refused to examine all of the supporting evidence of the altered accounting including emails from the attorneys threatening us to pay the fees from the old unit or eviction would occur in the new unit. Furthermore the attorney via email advised the property would not accept rent, paid on time, in full for our new lease until charges from the old lease were paid. Then in court proceeded to say that "even though they have been billing us jointly this entire time, we even had a rent check returned, paid in full, on time because of this unjust billing dispute. We provided to the judge records of these emails, fraudulent charges, malicious fees and copies of the ledgers/accounting that was sent to us by the property that would support all these facts. However, the judge totally disregarded all of our evidence, purposefully ignored these facts and refused to let my daughter and I comment about these facts during our proceedings, which further supports the evidence of impartiality. As a representation of the court, the acts described within this complaint, severely impede upon the integrity of the court. Not only did the misconduct of law occur (and non-compliance of the law) but the granting of a judgment based on falsified records, (frawing and having the information confirming evidence of these facts of altered accounting is a grave miscarriage of justice. We have been deeply displeased by the behavior and unbusiness represented by Judge and have sustained additional damages because of this lack of diligence, and compliance with the law. We ask respectfully for the commission to review the offenses described and take immediate action to protect others in future proceedings from this type of misconduct. It is unfair with almost little to no notice of a trial, we are expected to stand up against an attorney, in years of practice but then persecuted for having any understanding of our rights, and even more so, denied the opportunity to protect them.

Thank you for your time and consideration in understanding what has occurred described in the pages.

Respectfully,