

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 25-023

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Judge:

Complainant:

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**ORDER**

April 4, 2025

The Complainant alleged a justice of the peace violated his constitutional rights by allowing fraudulent filings and denying his counterclaim in an eviction proceeding.

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 allegations of the complaint in this matter solely raised disagreements with legal rulings. The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. "A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct." *See* comment 3 to Rule 2.2 of the Code of Judicial conduct. Any violation of the Code of Judicial Conduct must be proven by clear and convincing evidence.

A mistake in a ruling does not automatically mean that the judicial officer has engaged in judicial misconduct. Judicial officers are required to exercise their discretion in making their decisions. Even if a judicial officer's decision is legally or factually incorrect, the ruling is generally considered to be "legal error" and not "ethical misconduct" that the Commission can address. When a complaint to the Commission solely relates to the correctness of a judicial officer's legal decisions, the Complainant is seeking the Commission to function in the capacity of an appellate court. Correcting legal errors is the role of the appellate courts, not the Commission.

The Commission is a regulatory body with limited jurisdiction. The Commission is not a court, and as such, it does not have any authority to overturn a judicial officer's rulings, intervene in a case, assign a new judge to hear a case, or

award any monetary or other relief. The Commission process cannot be a substitute for seeking appellate review.

The Commission reviewed all information submitted by the Complainant 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).

A Duty Panel comprised of Commission members Denise K. Aguilar, Colleen E. Concannon, and Joseph C. Kreamer considered this matter.

Copies of this order were distributed to all appropriate persons on April 4, 2025.

2025-023

**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.

Dear Judicial Review Board,

I am writing to file a formal complaint against Judge \_\_\_\_\_ regarding serious judicial misconduct in my case, related to my landlord's lawsuit for back rent and eviction. The judge's actions reflect a violation of judicial ethics, failure to apply the law impartially, and misconduct that resulted in the denial of my rights under both state and federal law.

Issues of Concern:

1. Failure to Uphold Fairness, Equal Protection, and Due Process: Judge \_\_\_\_\_ allowed my landlord to pursue an eviction case that included my ex-girlfriend, despite clear evidence that she had been legally removed from the lease on \_\_\_\_\_, through a signed addendum and letter drafted by the landlord. All eviction documents named only me, yet the judge permitted my ex-girlfriend to be included in the lawsuit without questioning why her name was omitted from the eviction notice but fraudulently included in the lawsuit. This failure to question the obvious discrepancy perpetuated the landlord's fraudulent misrepresentation.

This misconduct violated my right to due process and equal protection under the 14th Amendment by:

- Allowing the landlord to seek back rent that had already been discharged through bankruptcy.
- Failing to question fraudulent filings by the landlord and his attorney, depriving me of a fair trial.
- Refusing to transfer my counterclaim exceeding \_\_\_\_\_ to \_\_\_\_\_ court as required under A.R.S. § 22-201(G), which mandates that counterclaims over \_\_\_\_\_ be moved to \_\_\_\_\_ court. This deprived me of access to the proper jurisdiction for my claims of racial discrimination and significant damages.

Furthermore, my ex-girlfriend's rights were also violated as she was fraudulently included in the lawsuit despite being removed from the lease. The judge's failure to address this inconsistency perpetuated the landlord's fraudulent actions and caused harm to both of us.

2. Violation of Federal Rights and Discrimination Protections: I raised a counterclaim for racial discrimination by association, asserting that the landlord targeted me for eviction due to a \_\_\_\_\_ individual living in my home. This is a violation of both 42 U.S.C. § 3604 (Fair Housing Act) and 42 U.S.C. § 1981 (Civil Rights Act). The judge's refusal to adequately consider this claim and his failure to transfer the counterclaim to the appropriate jurisdiction demonstrates a failure to protect my federally protected civil rights.

Additionally, the Arizona Attorney General's Office has already opened an investigation into my landlord's discriminatory actions. I will also be filing a formal complaint with the \_\_\_\_\_ ( ) against the judge and landlord involved in this case for their collective roles in violating my federal protections against racial discrimination, and violation of my due process.

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3. Abuse of Judicial Discretion and Bankruptcy Violations: The judge permitted the landlord and his attorney to seek back rent previously discharged in my federal bankruptcy, directly violating 11 U.S.C. § 524, which prohibits the collection of debts discharged in bankruptcy. Despite being provided with a copy of my bankruptcy discharge notice, the judge disregarded federal protections and continued the proceedings based on the discharged debt.

4. Judicial Bias and Conflict of Interest: Judge \_\_\_\_\_ demonstrated a clear pattern of bias favoring the landlord's financial interests over my legal rights. His refusal to question the fraudulent inclusion of my ex-girlfriend, the wrongful pursuit of discharged back rent, and the refusal to transfer my counterclaim all suggest a profit-driven motive and a fundamental failure to ensure impartial justice.

5. Inappropriate Handling of Counterclaim: My counterclaim exceeded \_\_\_\_\_ and included damages for racial discrimination by association. Under A.R.S. § 22-201(G), any counterclaim exceeding \_\_\_\_\_ must be transferred to \_\_\_\_\_ court. Judge [Judge's Name] denied this transfer without justification, violating the statutory requirement and depriving me of the right to have my case heard in the proper jurisdiction.

6. Attorney Misconduct and Fraud: The attorney representing my landlord engaged in fraudulent conduct by:

Including my ex-girlfriend in the eviction lawsuit despite her legal removal from the lease in \_\_\_\_\_

Seeking back rent that was clearly discharged in my bankruptcy and protected under 11 U.S.C. § 524.

I will be filing a complaint with the Arizona \_\_\_\_\_ against the attorney for ethical violations, including fraud, misrepresentation, and violating federal bankruptcy protections.

7. Perpetuation of Fraudulent Conduct by the Judge: Judge \_\_\_\_\_ perpetuated the landlord's fraudulent actions by failing to question the discrepancy between the eviction notice, which only named me, and the subsequent lawsuit that included my ex-girlfriend. This lack of judicial scrutiny allowed the landlord and attorney's fraudulent conduct to go unchecked, further compromising the integrity of the proceedings.

8. Violation of the Code of Judicial Conduct: The actions of Judge \_\_\_\_\_ violate multiple provisions of the Arizona Code of Judicial Conduct, including:

Rule 1.2: Requiring a judge to promote public confidence in the judiciary's integrity and impartiality.

Rule 2.2: Mandating a judge to apply the law fairly and impartially.

Rule 2.3: Prohibiting bias, prejudice, and the failure to ensure fairness in judicial proceedings.

# ADDENDUM #1

Document updated:  
June 1993

*The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.*

1. This is an addendum originated by the:  Seller  Buyer  Landlord  Tenant.
2. This is an addendum to the Contract dated \_\_\_\_\_ between the following Parties:  
MO/DA/YR \_\_\_\_\_
3. Seller/Landlord: \_\_\_\_\_
4. Buyer/Tenant: \_\_\_\_\_
5. Premises: \_\_\_\_\_
6. The following additional terms and conditions are hereby included as a part of the Contract between Seller and Buyer for the above referenced Premises:
7. **The purpose of this addendum is to remove \_\_\_\_\_ as a tenant pursuant to**
8. **the lease agreement signed by tenants on \_\_\_\_\_ and signed by Landlord on**
9. **\_\_\_\_\_ with occupancy beginning on \_\_\_\_\_**
10. \_\_\_\_\_
11. **\_\_\_\_\_ shall remain as the only tenant per the lease agreement, and all**
12. **other terms and conditions shall remain the same.**
13. \_\_\_\_\_
14. **Termination shall be effective as of the date and time this addendum is signed by**
15. **\_\_\_\_\_ Signatures of \_\_\_\_\_ and \_\_\_\_\_, and \_\_\_\_\_**
16. **are required for this document to be valid. The following conditions are also**
17. **required:**
18. \_\_\_\_\_
19. **\_\_\_\_\_ shall physically return all keys, including door, mailbox, and side**
20. **gate, and garage door opener to Landlord. These items are not to be left at, or in**
21. **the house per line #111 & #112 of lease agreement.**
22. \_\_\_\_\_
23. **All parties to the lease agreement, or their representatives, shall be present at this**
24. **inspection. \_\_\_\_\_ shall remove all of her personal property from the**
25. **premises at this time.**
26. \_\_\_\_\_
27. \_\_\_\_\_
28. \_\_\_\_\_
29. \_\_\_\_\_
30. \_\_\_\_\_
31. \_\_\_\_\_
32. \_\_\_\_\_
33. \_\_\_\_\_
34. \_\_\_\_\_
35. \_\_\_\_\_
36. \_\_\_\_\_
37. \_\_\_\_\_
38. \_\_\_\_\_
39. \_\_\_\_\_
40. \_\_\_\_\_
41. \_\_\_\_\_
42. The undersigned agrees to the additional terms and conditions and acknowledges receipt of a copy hereof.
43. \_\_\_\_\_
44.  Seller  Buyer \_\_\_\_\_ MO/DA/YR \_\_\_\_\_  Seller  Buyer \_\_\_\_\_ MO/DA/YR \_\_\_\_\_
45.  Landlord  Tenant \_\_\_\_\_  Landlord  Tenant \_\_\_\_\_
46. \_\_\_\_\_
47.  Seller  Buyer \_\_\_\_\_ MO/DA/YR \_\_\_\_\_  Seller  Buyer \_\_\_\_\_ MO/DA/YR \_\_\_\_\_
48.  Landlord  Tenant \_\_\_\_\_  Landlord  Tenant \_\_\_\_\_

49. **For Broker Use Only:**  
Brokerage File/Log No. \_\_\_\_\_ Manager's Initials \_\_\_\_\_ Broker's Initials \_\_\_\_\_ Date \_\_\_\_\_  
MO/DA/YR \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

(SB# )

Attorney for Defendant

**IN THE COURT OF THE STATE OF ARIZONA**

**IN AND FOR THE COUNTY OF**

STATE OF ARIZONA,

Case No.

Plaintiff,

**ADDENDUM TO DEFENDANT'S  
MOTION TO MODIFY RELEASE  
CONDITIONS**

vs.

Defendant.

Comes now Defendant (“ ”), by and through undersigned counsel, and files this Addendum to his Motion to Modify Release Conditions filed on

. On , this Court took Defendant’s Motion under advisement and asked for “proof that the victim has vacated the premises.” Attached as Exhibit A is a

letter from landlord, , stating that the victim’s tenancy terminated on

. Attached as Exhibit B is an email from stating that he has received the keys and garage door opener to the premises from the victim. As such,

respectfully requests that this Court to modify his release conditions and allow him to return and reside in his home.

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**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.**