

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-140

Judge:

Complainant:

ORDER

July 18, 2025

The Complainant alleged a pro tem justice of the peace made improper rulings in 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 Scott H. O'Connor did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 18, 2025.

2025-140

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.

Unfortunately, due to an urgent and unplanned family emergency, I was unable to attend the scheduled trial: My -year-old son, who has , who I'm the Court Appointed Guardian of, and also his full time Caregiver, became ill while we were both unexpectedly homeless from to This event, and other issues, including attempting to represent myself because I was unable to secure legal representation, non-receipt of the Minute Entry from the Status Conference by mail or email containing the rescheduled trial date and new instructions, were also contributing factors. That said, the outcome was predictive due to events that occurred over the course of the case. This included the erroneous denial of the Motion to Amend Answer and Assert Counterclaim, which the judge previously granted on , according to JCRCP Rules 117 (c) and 119 (a), which states the permission "can be freely given."

The motion was filed on after being rejected the previous day, because a court employee refused to file the motion, stating it was two (2) separate motions. The Attorney I hired to prepare and draft the motion instructed me to return the following day and insist on the filing because it is one (1) motion, not two (2) motions.

I returned to the court on and insisted on the motion being filed as the lawyer ordered. However, after several weeks, and no ruling, I contacted to inquire, and was notified that there was no record of the filing. I challenged that assertion, providing the filing date, and, after the employee checked, I was informed that the filing had been rejected and a Corrective Letter was mailed. I was forced to refile the motion, and faced yet another obstruction; this time I was told " As a result, the form was completed in person, and it was filed for the 2nd time on . Coincidentally, I've never received this Correction Letter by mail or email, which robbed me of critical response time, and was the reason given for the denial dated

I filed a Motion for Reconsideration in response to the denial of the filing, which provided no explanation, and, despite my arguments on during the Status Conference, citing the permission given on and JCRCP Rules 117 (c) and Rule 119 (a) which states permission can be freely given, and can be granted "at any stage in the proceedings," the judge declined to rule on the Motion for Reconsideration, stated " since he had no knowledge of the motion prior to the Status Conference. In fact, I had to bring the issue to the judge's attention.

In actuality, the Motion for Reconsideration was denied because attorneys for the plaintiff filed two objections, citing " and also stated the Credit Card company " which all consumer card companies has under The Fair Credit Billing Act (FCBA) "if a consumer receives defective product, was not given what was promised, and the consumer gives the merchant an opportunity to make the corrections; in this case, redoing the repair, which was not performed successfully, and was covered under the 1 year, 12,000 mile warranty, which the plaintiff refused to honor, thus breaching the warranty.

CONFIDENTIAL

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

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The record will show that my filing was timely, despite the refusal of the filing on _____ the rejection of the _____ filing, and two objections by plaintiff's attorneys. In fact, the explanation of the denial on _____ provided by Judge _____ doesn't take the _____ filing, its rejection, the subsequent delay it caused, and the trial date being rescheduled again on _____ into account.

The granting, then ripping away my ability to countersue after the permission was granted effectively stymied my ability to obtain legal representation to mount an effective defense, thus denying me due process.

At the conclusion of the Status Conference on _____ I left the courtroom with my son. However, both attorneys for the plaintiff remained in the courtroom with the judge. They were engaged in conversation with the judge when I entered prior to the start due to a delay in the lobby. That conversation continued when I entered the courtroom. When we exited the courtroom and courthouse, I sat in my vehicle in the parking lot to observe when the attorneys emerged. They did eventually, I started my vehicle, causing both to glance at me as I exited the parking lot. As I drove away, I immediately knew that the judge had made a decision on my Motion for Reconsideration, and that it would be unfavorable. The attorneys engaged in ex parte communication with the judge at the conclusion of, and likely prior to the start of the Status Conference on _____

The following morning, on _____ I called the Court to enquire if the judge had ruled on my Motion for Reconsideration. As suspected. there was. dated _____ stating " _____ "because I failed to file it before that date, after the court set the trial date + various discovery deadlines." This explanation is what I believe was communicated to the judge during the ex parte communication with the plaintiff's attorneys on _____

The record will show that there was no discovery provided by the plaintiff, and the trial date was rescheduled twice (2x), including on _____

I've expressed concerns about bias since _____ when I requested all documents pertaining to my case, provided an invoice, and told that was the only document that existed. However, after two subsequent visits, I asked for the Chronology of events, and was provided a one - page document detailing hearings, dismissals, reinstatements, extensions, etc. When I asked why I wasn't provided these documents when requested, I was told, " _____ " which prompted me to file a complaint with the Court Administrator. Unfortunately, the response I received was a referral to Community Legal Service.

I also filed a motion requesting a Change of Venue, which was rejected, followed by a Letter of Correction stating that I used the wrong form. I was also required to write a statement outlining why I'm requesting the Change of Venue. At filing, using the correct form provided by the court. the filing was denied, and I was informed that I needed someone who works for the county (_____) to sign it. I objected and produced the JCRCP Rule which states only my signature was required. The motion for a Change of Venue was filed, but there was no ruling. I was notified the judge was changed instead.

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Incidentally, the attorneys for the plaintiff had filed an objection.

I've also repeatedly raised the issue of lack of discovery, to no avail, including in _____ and _____ . During the _____ Status Conference the judge instructed the plaintiff's attorney to provide me discovery, stating " _____ " The attorney's response was, " _____ " However, nothing materialized. Instead, this attorney was replaced by two (2) new attorneys on _____. Again, I raised the issue, in addition to witness witnesses and their testimonies not being disclosed according to JCRCP Rule 12 (c) and 127 (d) and the inclusion of hearsay testimony sworn to by witness (as) for the plaintiff. The judge also stated that I was entitled to ask the plaintiff's witnesses questions and receive those answers prior to trial. However, this was never done because the plaintiff's attorneys claimed and/or admitted they had no discovery as stated in the Pre-Trial Statement.

_____ is a crucial witness because my interactions were solely with him, not the Parts Manager, or the General manager, and I tried on two (2) occasions to force his testimony by petitioning the court to compel the plaintiff to turn over his contact information. Both motions were denied.

The plaintiff refused to honor the 1 year, 12,000-mile warranty which accompanied the repair, causing me to dispute the charges under the Fair Credit Billing Act (FCBA). The Service Advisor, _____, whose information I petitioned the court to obtain on two (2) occasions as part of discovery, and was denied by the court, admitted in an email that that the vehicle was not repaired successfully. This vehicle is used to transport my son to various appointments (medical, behavioral), therapies (speech, occupational), specialists, lab work, case management, medication pickup, shopping, etc.; and having a well-maintained, safe, reliable, and dependable vehicle is an integral part in fulfilling my responsibilities as a Court Appointed Guardian and a Full-time Caregiver.

Having a safe, well-maintained, reliable, and dependable vehicle is an integral part of fulfilling my responsibilities as my son's full-time caregiver, and had the plaintiff redone the repair under the 1 year, 12,000-mile warranty, the money I paid would've been retained by the plaintiff, and I would've moved on and focused on caring for my son. Instead, the plaintiff directed the Service Advisor, _____, to deny the claim, which left no option except to dispute the charges, which was resolved in my favor.

Instead of doing the right thing, the plaintiff breached the warrant, retaliated by suing, and engaged in threats, harassment, intimidation, and bullying because the decision was unfavorable, saying " _____ " and claimed the outcome was " _____ "

Had the plaintiff redone the repair under the 1 year, 12,000-mile warranty, the money I paid would've been retained by the plaintiff, I would've moved on, and focused on caring for my son who is transported daily in the vehicle. Instead, the Service Adviser told me to " _____ " and cut off communication, leaving me no option but to dispute the charges, which was resolved in my favor. Instead of doing the right thing, the plaintiff breached the contract, retaliated by suing, and engaged in threats, harassment, intimidation, and bullying.

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I've provided the Independent Inspection report from _____ which documents the condition of the vehicle prior to the repair performed by the plaintiff, and proves the Power Steering was leaking. If required, I will forward the report, which includes photos, since the plaintiff claims " _____ " I actually told the Service Adviser, _____ that I have this report. At that point he responded, " _____ " This conversation is documented in my statement to the Credit Card Company, _____. In addition, I submitted a video of the noises the vehicle makes, which the attorneys for the plaintiff asked Judge _____ to exclude on _____. The judge denied their request, stating he would not " _____ " or words to that effect.

In a phone conversation on _____, the manager at the _____ Justice Court told me I had three options: (1) Ask for explanation (2) File another reconsideration (3) File a Special Action with _____ Court. I elected option (3) based on my experience with the court, and when I prepared and attempted to file the Special Action on two separate occasions, I was notified that I could not file with _____ Court.

I've have had no communication from the court since the _____ ruling was emailed to me by the manager on _____ and I received a 2nd copy via mail. As a result, I was not given an opportunity to appeal my conviction or the judgement. In fact, when I filed a motion for a stay, the Clerk's response was " _____ " The motion has since been denied.

County Justice Courts, Arizona

CASE NUMBER

Plaintiff(s) Name / Address / Email / Phone

Defendant(s) Name / Address / Email / Phone

Attorney for Plaintiff(s) Name / Address / Email / Phone

Attorney for Defendant(s) Name / Address / Email / Phone

MOTION TO:

Request for Stay of Judgment
 ORAL ARGUMENT REQUESTED

JCRCP Rule 128

You have the right to file a 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 to the other parties as provided by Rule 120 of the Justice Courts Rules of Civil Procedure. The court may treat your failure to respond to a motion as your consent that the motion be granted.

I am the Plaintiff Defendant

I would like the court to:

Stay the judgement of my guilty verdict entered on [blank] I'm requesting a review/new trial/hearing.

Statement of facts:

I had an unavoidable, urgent family emergency and was unable to attend court / notify the court (family ill), I'm the caregiver full-time.

Legal support including Statute or Rule that applies:

FILED

I state under penalty of perjury that the foregoing is true and correct.

JUSTICE COURT

Date

[Signature] Plaintiff Defendant

I CERTIFY that a copy of this document has been or will be served or

to:

Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney

Date: _____

B

Signature

**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.**