

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-170

Judge:

Complainant:

ORDER

August 5, 2025

The Complainant alleged a justice of the peace improperly refused to set aside a judgment 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 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 Regina L. Nassen, Scott H. O'Connor, and Christopher P. Staring considered this matter.

Copies of this order were distributed to all appropriate persons on August 5, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-170

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.

My wife and I were "kicked out" of our trailer park home of years. We bought a trailer in and moved. We were not evicted as there was no legal action or court proceeding. It was done on a whim.

Later we found that the Landlord () had put on a court eviction for us later, even though we were not there. They sent the summons to a place where we had never lived and thus were never served. (Improper service) A second summons was sent to where we were headed for the summer, but it got there two days after the hearing was over. (Improper Service)

I filed two motions for the JP () to vacate the judgment due to improper service as he had no jurisdiction in the case. Both were denied.

I hired a lawyer who filed two more motions for the JP to vacate the original judgment due to improper service. Both were denied.

The Landlord has committed several infractions of the Landlord / Tennant Act but I can't get my day in court to make my arguments because the JP will not vacate his original bogus judgment.

The Plaintiff even agrees with the improper service argument, as their Exhibit A of postal records shows the summons was delivered two days after the hearing. I don't think the JP read any of it.

The Court time line shows the JP spent 1 minute on the case.

My Mobile home has been confiscated, the landlord has concocted over in additional bogus charges and I have spent thousands of dollars on lawyers at / hr. Now the lawyer says I should face the fact I am not rich enough to buy justice in County, especially when the JP refuses to follow the law. The first lawyer said I should not waste my money on a lawyer since the tenant always loses in a "Landlord/Tenant" case, regardless of who is right or wrong.

I am hoping they are wrong and that someone in authority will tell the JP about "Improper Service" and he will actually reconsider his bad decision, understand that he had no jurisdiction and vacate the original decision. I deserve my day in court.

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POST OFFICE TIME LINE FOR SUMMONS

PLAINTIFF'S EXHIBIT A
EVEN THOUGH IT WAS DELIVERED LATE, THAT DOESN'T MATTER.
PLAINTIFF'S ARGUMENT

