

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-045

Judge:

Complainant:

ORDER

March 31, 2026

The Complainant alleged a justice of the peace improperly denied a motion to vacate.

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).

Copies of this order were distributed to all appropriate persons on March 31, 2026.

2026-045

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.

This complaint is submitted pursuant to the authority of the Arizona Commission on Judicial Conduct and concerns the handling and denial of Plaintiff's Motion to Vacate Judgment under Rule 16 of the Arizona Rules of Small Claims Procedure by the Honorable

On _____, I filed a Motion to Vacate Judgment in the above-captioned matter. The motion was timely, properly served, and unopposed by the Defendant. The motion requested relief on the grounds that I was unable to fairly and adequately present my case due to significant procedural and technical failures during the hearing.

The Motion to Vacate specifically alleged, among other things:

That severe audio malfunction during the court hearing substantially impaired communication and prevented meaningful participation;

That these technical failures prevented the presentation of material evidence directly refuting factual assertions made by the Defendant;

That the Defendant failed to provide exhibits in advance of the hearing as required by Rule 12 of the Arizona Rules of Small Claims Procedure, thereby depriving me of the ability to review and respond to the evidence;

That inconsistent and erroneous procedural guidance from court staff interfered with the exercise of procedural rights; and

That these combined circumstances deprived me of procedural fairness and due process, rendering the hearing fundamentally defective.

The motion relied on Rule 16, which authorizes vacatur where a party was unable to fairly and adequately present his case.

On _____, Judge _____ issued a written order denying the Motion to Vacate. The order states, in substance, that the court found no basis to justify relief and that it did not find fraud on the part of the Defendant.

The order does not address, analyze, or make findings concerning the principal grounds raised in the motion. Specifically, the order does not address the documented technical failures, the alleged Rule 12

CONFIDENTIAL

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

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This complaint is not based on disagreement with the outcome of the motion. Rather, it is based on concern that the Respondent Judge failed to perform judicial duties competently and diligently, failed to apply the correct legal standard, and failed to provide good-faith consideration of the issues properly presented. The denial, as issued, reflects arbitrary disposition and disregard of the procedural and due process claims raised.

Because the Motion to Vacate alleged that the original proceeding itself was fundamentally defective, the Respondent Judge's failure to address those allegations deprived me of any meaningful judicial review of whether the hearing comported with the basic requirements of fairness and due process.

For these reasons, I respectfully request that the Arizona Commission on Judicial Conduct review and investigate whether the conduct of the Respondent Judge complied with the ethical and professional obligations imposed upon members of the Arizona judiciary.