

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-001

Judge:

Complainant:

ORDER

April 21, 2026

The Complainant alleged a justice of the peace did not follow the law by not setting 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 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 Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 21, 2026.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2026-001

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.

1. JUDGMENT ENTERED WITHOUT PROOF OF SERVICE

The Case History / Events reflect that a Summons was issued on _____, and that judgment was entered for the plaintiff on _____ in the amount of _____.

The Case History / Events do not reflect any affidavit or proof of service filed prior to the judgment. Without valid service, the court did not acquire personal jurisdiction over me, rendering the judgment void under Arizona law.

Despite the absence of proof of service, Judge _____ entered judgment, exercising judicial authority without confirming that jurisdiction had been established.

This conduct violates:

Arizona Rules of Civil Procedure 4 and 4.1

Arizona Rule of Civil Procedure 60(b)(4)

Arizona Constitution, Article 2, § 4 (Due Process)

Arizona Code of Judicial Conduct Rule 2.2

2. WRIT OF RESTITUTION ISSUED AND SERVED

The Case History / Events reflect that a Writ of Restitution was served on _____, enforcing a judgment entered without jurisdiction.

3. RULE 60(b)(4) MOTION TO VACATE FILED

On _____, as reflected in the Case History / Events, I filed a Motion to Vacate Judgment pursuant to Arizona Rule of Civil Procedure 60(b)(4), asserting that the _____ judgment was void for lack of jurisdiction.

The motion included multiple exhibits, including the lease agreement, summons and complaint, eviction judgment, Arizona _____ records for the plaintiff entity, and _____ County Assessor records, all demonstrating jurisdictional defects and improper service.

4. POST-JUDGMENT AFFIDAVITS OF SERVICE FILED YEARS AFTER JUDGMENT

The Case History / Events reflect that documents titled "Affidavit of Service — Post/Mail" were filed on _____ and _____ nearly _____ years after judgment had already been entered.

Service filed after judgment cannot retroactively establish jurisdiction.

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5. INCONSISTENT COURT COMMUNICATIONS; NO SERVICE BY PLAINTIFF OR PLAINTIFF' S ATTORNEY; COURT PLACED ON NOTICE

I did not receive any documents by mail from the plaintiff or from the plaintiff' s attorney at any time relevant to the Motion to Set Aside/Vacate Judgment.

The Case History / Events reflect that a Response to the Motion and a Notice of Appearance were filed on .

I did not receive any copy of a response on . The first time I received any document resembling a response was on , when , Judicial Clerk, transmitted a copy of a " Response to the Motion" by email. That document was not served by the plaintiff or by the plaintiff' s attorney per the party information, and I received no mailed service from any party or counsel. Since no documents were served by mail, I did not know who the Notice of Appearance was filed by, nor was I able to identify counsel, verify representation, or prepare a response.

On , prior to the courts ruling, I formally notified the Justice Court via e-mail that I had not received any documents by mail and had not been served with a response or notice of appearance. This notification was made to , Deputy Court Manager, via e-mail on .

Accordingly, before ruling, the court was placed on notice—through its staff—that I had not been served and had not been afforded a meaningful opportunity to respond. As the presiding judicial officer, Judge nonetheless proceeded to rule.

A judge has an affirmative, non-delegable obligation to ensure that parties receive notice and a fair opportunity to be heard before ruling, particularly where jurisdiction and service are disputed.

6. DENIAL OF RULE 60(b)(4) MOTION

On , the Case History / Events reflect that Judge denied the Motion to Vacate.

A Rule 60(b)(4) motion cannot be denied where a judgment is void for lack of jurisdiction. Denial under these circumstances reflects failure to apply mandatory law and constitutes conduct prejudicial to the administration of justice.

This conduct implicates violations of:

Arizona Rule of Civil Procedure 60(b)(4)

Arizona Constitution, Article 2, § 4

Arizona Code of Judicial Conduct Rules 1.2, 2.2, 2.6(A), and 2.12(A)

7. FAILURE TO ADDRESS OR SEAL A VOID EVICTION RECORD

Despite documented jurisdictional defects and notice of service irregularities, the eviction judgment has been allowed to remain publicly accessible, causing ongoing harm and undermining confidence in the judiciary.