

## APPLICATION FOR JUDICIAL OFFICE

### SECTION I: PUBLIC INFORMATION (QUESTIONS 1 THROUGH 65)

#### PERSONAL INFORMATION

1. Full Name: Rosemary Erin Farrar
2. Have you ever used or been known by any other name? Yes If so, state name:  
R. Erin Farrar; Erin Harvick
3. Office Address: Yuma Justice Court, 250 W. 2<sup>nd</sup> St, Yuma, AZ 85364
4. How long have you lived in Arizona? 12 years What is your home zip code?  
85364
5. Identify the county you reside in and the years of your residency. Yuma, 12 yrs
6. If appointed, will you be 30 years old before taking office?    ☒ yes    ☐ no  
  
If appointed, will you be younger than age 65 at the time of appointment?    ☐  
☒ yes    ☐ no
7. List your present and any former political party registrations and approximate dates of each:  
Republican, 2000-current (approximate)

8. Gender: Female

Race/Ethnicity: White

### EDUCATIONAL BACKGROUND

9. List names and locations of all post-secondary schools attended and any degrees received.

University of LaVerne- Ontario, CA; Juris Doctorate (2006)

Arizona State University- Tempe, AZ; Bachelors in Sociology (2001)

Mesa Community College- Mesa, AZ

Arizona Western College- Yuma, AZ (2002)

10. List major and minor fields of study and extracurricular activities.

Sociology

Law

11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

CALI Award(highest grade in class)- Family Law (2004)

CALI Award(highest grade in class)- Legal Skills Practicum (2006)

Appellate Advocacy- Best Brief

Inland Valley Arbitration & Mediation Services- Outstanding Achievement in Dispute Resolution (2006)

### PROFESSIONAL BACKGROUND AND EXPERIENCE

12. List all courts in which you have been admitted to the practice of law with dates of admission. Give the same information for any administrative bodies that require special admission to practice.

Arizona, 2007

U.S. Federal Court, 2009

13. a. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? No If so, explain.

b. Have you ever had to retake a bar examination in order to be admitted to the bar of any state? No If so, explain any circumstances that may have hindered your performance.

14. Describe your employment history since completing your undergraduate degree. List your current position first. If you have not been employed continuously since completing your undergraduate degree, describe what you did during any periods of unemployment or other professional inactivity in excess of three months. Do not attach a resume.

| EMPLOYER   | DATES               | LOCATION   |
|--|---------------------|------------|
| Yuma County<br>Justice of the Peace Pro Tem            | 02/2017-<br>current | Yuma, AZ   |
| Arizona Attorney General<br>Assistant Attorney General | 01/2012-<br>02/2017 | Yuma, AZ   |
| Garcia, Hengl, Kinsey, Farrar & Villarreal,<br>P.L.C.  | 01/2009-<br>01/2012 | Yuma, AZ   |
| Arizona Western College<br>Adjunct Professor           | Fall, 2010          | Yuma, AZ   |
| Torok Law Office<br>Associate Attorney                 | 12/2007-<br>01/2009 | Yuma, AZ   |
| Didio Law Firm<br>Associate Attorney                   | 08/2006-<br>11/2007 | Yuma, AZ   |
| Full time law student                                  | 2005-2006*          |            |
| Law Office of Roger Meadows<br>Legal Assistant         | 06/2004-<br>01/2005 | Pomona, CA |
| Didio Law Firm<br>Legal Assistant                      | 08/2002-<br>08/2003 | Yuma, AZ   |
| The Mediterraneo<br>Hostess                            | 2002                | Alpine, CA |
| Alpine Fitness Club<br>Front Desk                      | 2002                | Alpine, CA |

15. List your law partners and associates, if any, within the last five years. You may attach a firm letterhead or other printed list. Applicants who are judges or commissioners should additionally attach a list of judges or commissioners currently on the bench in the court in which they serve.

Gregory Stewart, Presiding Judge- Yuma Justice Court

16. Describe the nature of your law practice over the last five years, listing the major areas of law in which you practiced and the percentage each constituted of your total practice. If you have been a judge or commissioner for the last five years, describe the nature of your law practice before your appointment to the bench.

During my employment with the Arizona Attorney Generals Office, I represented the Division of Child Safety from 01/ 2012-11/2014. As an Assistant Attorney General I was responsible for the litigation of Dependency matters. My responsibilities included drafting Petitions for Dependency, Severance, Guardianship and Adoption as well as preparing for daily court proceedings. Court appearances included preliminary protective hearings, report and review hearings, and trials. I also responded to defense motions, requests, and correspondence. Assisted the Client in trial preparation and provided legal advice on matters pertaining to their duties, rights, and case management. Responsible for over 2500 cases in 3 years.

I then represented the Division of Child Support Services from 11/2014-02/2017. I was responsible for drafting legal pleadings with respect to the establishment, modification and termination of child support orders as well as paternity actions. I attended court proceedings on all matters involving child support and provided legal advice to the Client as well as case management. Resolved over 700 cases per year.

17. List other areas of law in which you have practiced.

Domestic Relations (Divorce/Custody/Child Support/Modifications); Criminal Defense (Misdemeanors); Juvenile (Delinquency and Dependency, Prosecution and Defense); Mental Health Proceedings; Probate/Estate Planning; Business Law; Civil Litigation; Personal Injury; Bankruptcy;

18. Identify all areas of specialization for which you have been granted certification by the State Bar of Arizona or a bar organization in any other state.

Not applicable

19. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.  
Trust, Wills, Settlement Agreements, Contracts, Articles of Inc, Consent Decrees

20. Have you practiced in adversary proceedings before administrative boards or commissions? No If so, state:

a. The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

b. The approximate number of these matters in which you appeared as:

Sole Counsel: \_\_\_\_\_

Chief Counsel: \_\_\_\_\_

Associate Counsel: \_\_\_\_\_

21. Have you handled any matters that have been arbitrated or mediated? No  
If so, state the approximate number of these matters in which you were involved as:

Sole Counsel: \_\_\_\_\_

Chief Counsel: \_\_\_\_\_

Associate Counsel: \_\_\_\_\_

22. List at least three but no more than five contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case.

A.

(1) September, 2008

(2) R. Erin Farrar, counsel for Petitioner, Pro Per Respondent

(3) This was a Dissolution of Marriage with Children involving a pro per Respondent that had been ongoing for over 3 years before I was retained. After significant settlement negotiations, parties agreed to child support, child custody, parenting time, retirement and property division.

(4) This case was somewhat complex in that there were a significant amount of community property assets and debts, including real property and retirement accounts to divide. In addition, the parties had filed for Bankruptcy and I had to navigate through those issues as well, including correspondence with the BK trustee. This case was very time consuming and took a lot of work and effort to resolve.

B.

- (1) December 9, 2011
- (2) R. Erin Farrar, Counsel for Mother  
Denise Avila Taylor, Counsel for Child (928) 257-0168,  
[Denise.avilataylor@gmail.com](mailto:Denise.avilataylor@gmail.com)  
Elizabeth Brown, Counsel for Division of Child Safety, (602) 687-3628,  
[ElizabethBrownJD@gmail.com](mailto:ElizabethBrownJD@gmail.com)  
Bruce Yancey, Counsel for Father (928) 210-2947,  
[Byancey1947@gmail.com](mailto:Byancey1947@gmail.com)
- (3) This was a Dependency matter ultimately resolved through a stipulated Guardianship. Parties worked through a number of obstacles and significant controversy as there were two sets of Grandparents involved, both of whom wanted Guardianship. Parties were able to negotiate a visitation arrangement for all and resolved the matter without the need for trial.

C.

- (1) June, 2010
- (2) R. Erin Farrar, Counsel for Petitioner, Pro Per Respondent
- (3) This was a Dissolution of Marriage with Children. I was able to effectively negotiate a settlement as to parenting time, child support and the division of assets and debts expeditiously without the need for temporary orders. Dissolution was resolved within 3 months.

D.

- (1) May, 2008
- (2) R. Erin Farrar, Counsel for Plaintiff, Mary Katherine Boyte-Henderson, Counsel for Respondent, (928) 329-7838, [mary@marykboyte.com](mailto:mary@marykboyte.com)
- (3) This was a Dissolution of Marriage with Children. I was able to effectively negotiate a settlement of the issues presented in this case after a number of efforts and time. Case involved unique child support issues as Respondent was both self-employed and had a full time career as well.

23. Have you represented clients in litigation in Federal or state trial courts? Yes If so, state:

The approximate number of cases in which you appeared before:

Federal Courts: 25 (approximate)

State Courts of Record: 4000 (approximate)

Municipal/Justice Courts: 250 (approximate)

The approximate percentage of those cases which have been:

Civil: 94%

Criminal: 6%

The approximate number of those cases in which you were:

Sole Counsel: 100%

Chief Counsel: \_\_\_\_\_

Associate Counsel: \_\_\_\_\_

The approximate percentage of those cases in which:

You wrote and filed a pre-trial, trial, or post-trial motion that wholly or partially disposed of the case (for example, a motion to dismiss, a motion for summary judgment, a motion for judgment as a matter of law, or a motion for new trial) or wrote a response to such a motion: 5%

You argued a motion described above 2%

You made a contested court appearance (other than as set forth in the above response) 60%

You negotiated a settlement: 40%

The court rendered judgment after trial: 20%

A jury rendered a verdict: 0%

The number of cases you have taken to trial:

Limited jurisdiction court 0

Superior court 150

Federal district court 0

Jury 0

Note: If you approximate the number of cases taken to trial, explain why an exact count is not possible.

As an assistant attorney general I did on average 2-3 trials per month for 3 years.

24. Have you practiced in the Federal or state appellate courts? No If so, state:

The approximate number of your appeals which have been:

Civil: \_\_\_\_\_

Criminal: \_\_\_\_\_

Other: \_\_\_\_\_

The approximate number of matters in which you appeared:

As counsel of record on the brief:

Personally in oral argument:

25. Have you served as a judicial law clerk or staff attorney to a court? No If so, identify the court, judge, and the dates of service and describe your role.
26. List at least three but no more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts that were not negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the judge or officer before whom the case was heard; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.

A.

- (1) April, 2009
- (2) Yuma County Superior Court, Hon. Denise D. Gaumont
- (3) R. Erin Farrar, counsel for Petitioner, Jerrold Shelley, Counsel for Respondent (deceased), Hayden Hanna, Asst. Attorney General (no longer in practice)
- (4) Dissolution of Marriage with Children that was very contentious. Parties had older children and difficulty determining an appropriate parenting plan. Temporary Orders were sought by Petitioner and had to be litigated in 3 hours. A number of exhibits were prepared and case also unique in that the Division of Child Support Services was involved for child support and health insurance issues.



B.

- (1) October, 2008
- (2) Yuma County Superior Court, Judge Kathryn Stocking Tate
- (3) R. Erin Farrar, counsel for Petitioner; Amanda Taylor, counsel for Respondent, (928) 328-0800, [amanda@taylorlawyuma.com](mailto:amanda@taylorlawyuma.com)
- (4) Non-jury trial conducted on Father's Petition to Establish Paternity, Custody, Parenting time and Child Support. This trial was an all day trial with numerous exhibits and issues to litigate. Direct, cross, and re-direct examination was conducted and the matter was taken under advisement.

C.

- (1) April, 2011
- (2) Yuma County Superior Court, Judge John Paul Plante
- (3) R. Erin Farrar, counsel for Respondent; Amanda Taylor, counsel for Petitioner, (928) 328-0800, [amanda@taylorlawyuma.com](mailto:amanda@taylorlawyuma.com)
- (4) This was a contested Petition for Legal Separation. Involved issues of asset and debt division as well as spousal maintenance for a marriage of long duration. Parties were able to resolve some issues prior to trial and the court was presented with testimony and exhibits as to those issues that could not be agreed upon.

D.

- (1) September, 2014
- (2) Yuma County Superior Court, Juvenile Division, Judge Kathryn Stocking-Tate
- (3) R. Erin Farrar, Assistant Attorney General for the Dept of Child Safety; Victoria Thompson (Deceased), Counsel for Mother; Denise Avila Taylor, Counsel for Father (928) 257-0168, [Denise.avilataylor@gmail.com](mailto:Denise.avilataylor@gmail.com)  
Kelly Smith, Guardian Ad Litem, (520) 249-2499, [Kelly.smith@yumacountyaz.gov](mailto:Kelly.smith@yumacountyaz.gov)
- (4) This was an initial dependency hearing which was more complicated than most as it was subject to the Indian Child Welfare Act (ICWA), and the parents' tribe wished to intervene. I had to provide expert testimony from an ICWA specialist and argue to proceed *in absentia* as to one of the parents. Placement of the minor child, visitation, and services were determined by the Court.

27. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

Appointed Justice of the Peace, Pro Tem in Yuma County in Feb., 2017. I am responsible for misdemeanor cases filed with the court. I conduct the Initial Appearance and Arraignments, Pre-Trial Conferences, Status hearings, trial settings, and final management conferences. I review and rule on substantive pre-trial motions and/or conduct evidentiary hearings. I also preside over bench and jury trials, sentencing, and restitution hearings. My responsibilities also include post-adjudication matters such as Motions for New Trial, Motions for Reconsideration, and Petitions for Post-Conviction Relief. I am also responsible for ensuring compliance with court orders which includes the issuance of warrants and conducting status and order to show cause hearings. As well as general requests for relief as to obligations owed to the court. I also review on average 10 or more court filings per day addressing various requests, i.e. Motions to Appear telephonically or quash warrants, requests for more time and continuances.

On average, I preside over 250-300 criminal proceedings per month. I have conducted approximately 11 jury trials and 25 bench trials.

Responsible for all civil matters, from review of initial pleadings (Complaints/Answers) to Discovery disputes, Motions to Dismiss, and Motions for Summary Judgment as well as other pre-judgment matters. Also responsible for preparing for and conducting bench trials and post-adjudication proceedings such as debtor exams and garnishments. My responsibilities have also included presiding over Eviction actions when needed and Protective Order Hearings. I have conducted approximately 15 bench trials.

On average, I review 40-50 civil filings per week and preside over 5-10 civil hearings per month.

I also currently serve on a rotation for the on-call warrant phone for the issuance of search warrants after hours.

As a Justice of the Peace Pro Tem I am also on a rotation to conduct weddings.

28. List at least three but no more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names, e-mail addresses, and telephone numbers of all counsel involved and the party each represented; (4) a summary of the substance of each case; and (5) a statement of any particular significance of the case.

A.

- (1) Feb. 12, 2019
- (2) Yuma Justice Court
- (3) Andrew Orozco, [Andrew.Orozco@Yumacountyaz.gov](mailto:Andrew.Orozco@Yumacountyaz.gov), (928) 817-4300,

Counsel for the State; Joshua Cordova, counsel for Defendant,  
(928) 366-1223, [Rhengl@HenglLaw.com](mailto:Rhengl@HenglLaw.com)

- (4) Criminal bench trial involving allegations of attempted possession of drug paraphernalia and marijuana and speeding;
- (5) Defendant testified on her own behalf. Case was unique in that I had to weigh the evidence and determine the facts with two different burdens of proof. I also ruled on motions regarding the legality of the stop.

B.

- (1) Nov. 29, 2017
- (2) Yuma Justice Court
- (3) Andrew Orozco, [Andrew.Orozco@Yumcountyaz.gov](mailto:Andrew.Orozco@Yumcountyaz.gov), (928) 817-4300, Counsel for the State; Jorge Lozano, [Jorge@Lozanolawaz.com](mailto:Jorge@Lozanolawaz.com), (928) 783-5377, counsel for Defendant

- (4) Two day jury trial on allegations of Driving Under the Influence while impaired to the slightest and BAC over .08. This was a jury trial I presided over. I was able to resolve a disclosure dispute regarding a key witness on the date of trial allowing the jury trial to proceed.

C.

- (1) Dec. 6, 2017
- (2) Yuma Justice Court
- (3) Brian Abbas, [BrianAbbas@gmail.com](mailto:BrianAbbas@gmail.com) (928) 817-4300, Counsel for the State; Nohemy Echavarria, [Nechavarria@courts.az.gov](mailto:Nechavarria@courts.az.gov) (928) 341-8595, Counsel for Defendant
- (4) I presided over the criminal jury trial involving allegations of Theft. Reviewed several pre-trial Motions, including three Motion in Limine with unique evidentiary and disclosure issues. There were a number of exhibits and the Jury heard testimony of 8 witnesses. This jury trial took 2 days and the Jury was able to render a verdict.

D.

- (1) Dec. 21, 2017
- (2) Yuma Justice Court
- (3) Brian Abbas, [BrianAbbas@gmail.com](mailto:BrianAbbas@gmail.com) (928) 817-4300, Counsel for the State; Nohemy Echavarria, [Nechavarria@courts.az.gov](mailto:Nechavarria@courts.az.gov) (928) 341-8595, Counsel for Defendant
- (4) Evidentiary hearing regarding Defendant's Motion to Suppress
- (5) This was a unique case as it did not involve a traffic stop nor a report to law enforcement. It involved a determination of whether contact with the Defendant amounted to an investigatory detention or "stop" versus a consensual encounter/field interview. Issue was relevant to a determination as to whether Defendant's consent to the search of his backpack was lawful. Heard officer's testimony and reviewed case law and arguments of counsel.

E.

- (1) October 5, 2017
- (2) Yuma Justice Court

(3) Andrew Orozco, Counsel for the State, [Andrew.Orozco@Yumcountyaz.gov](mailto:Andrew.Orozco@Yumcountyaz.gov), (928) 817-4300, Michael Donovan, Counsel for Defendant, (928) 329-8707 [www.donovanlawofarizona.com](http://www.donovanlawofarizona.com)

(4) Jury trial on allegations of Driving Under the Influence While Impaired to the Slightest, DUI with BAC over .08, and DUI with BAC of .15 or more. Case had interesting voir dire issues to resolve and scientific evidence was presented. Court ruled on Rule 20 Motion presented.

29. Describe any additional professional experience you would like to bring to the Governor's attention.

I had the opportunity to be a law clerk for the San Diego Superior Court, South County for one semester during law school (2005). The self-help clinic included 2 full time attorneys and a paralegal. I assisted litigants in preparing court forms for various types of Domestic Relations matters. I also assisted our paralegal in preparing, organizing, and filing court files.

I also assisted in the Pomona Superior Court, LA County self-help center during law school (2004). This self-help clinic assisted litigants in a variety of legal matters. As a clerk, I advised litigants of the legal resources available to them and assisted supervising attorney in preparing legal documents.

#### **BUSINESS AND FINANCIAL INFORMATION**

30. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, other than as described at question 14? No If so, give details, including dates.
31. Are you now an officer, director, majority stockholder, managing member, or otherwise engaged in the management of any business enterprise? No If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

Do you intend to resign such positions and withdraw from any participation in the management of any such enterprises if you are appointed? \_\_\_\_\_ If not, explain your decision.

32. Have you filed your state and federal income tax returns for all years you were legally required to file them? Yes If not, explain.
33. Have you paid all state, federal and local taxes when due? Yes If not, explain.
34. Are there currently any judgments or tax liens outstanding against you? No If so, explain.
35. Have you ever violated a court order addressing your personal conduct, such as orders of protection, or for payment of child or spousal support? No If so, explain.
36. Have you ever been a party to a lawsuit, including an administrative agency matter but excluding divorce? yes If so, identify the nature of the case, your role, the court, and the ultimate disposition.
- Civil, Co-Defendant, Yuma Superior Court, Dismissed with Prejudice  
Civil, Co-Defendant, District Court Utah, pending dismissal with Prejudice
37. Have you ever filed for bankruptcy protection on your own behalf or for an organization in which you held a majority ownership interest? No If so, explain.
38. Do you have any financial interests including investments, which might conflict with the performance of your judicial duties? No If so, explain.

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|---------------------------|
| <b>CONDUCT AND ETHICS</b> |
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39. Have you ever been terminated, asked to resign, expelled, or suspended from employment or any post-secondary school or course of learning due to allegations of dishonesty, plagiarism, cheating, or any other “cause” that might reflect in any way on your integrity? No If so, provide details.
40. Have you ever been arrested for, charged with, and/or convicted of any felony, misdemeanor, or Uniform Code of Military Justice violation? No

If so, identify the nature of the offense, the court, the presiding judicial officer, and the ultimate disposition.

41. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain.  
Not applicable
42. List and describe any matter (including mediation, arbitration, negotiated settlement and/or malpractice claim you referred to your insurance carrier) in which you were accused of wrongdoing concerning your law practice.  
Not applicable
43. List and describe any litigation initiated against you based on allegations of misconduct other than any listed in your answer to question 42.  
Not applicable
44. List and describe any sanctions imposed upon you by any court.  
Not applicable
45. Have you received a notice of formal charges, cautionary letter, private admonition, referral to a diversionary program, or any other conditional sanction from the Commission on Judicial Conduct, the State Bar, or any other disciplinary body in any jurisdiction? No If so, in each case, state in detail the circumstances and the outcome.
46. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by federal or state law? No If your answer is "Yes," explain in detail.
47. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended, terminated or asked to resign by an employer, regulatory or investigative agency? No If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) and contact information of any persons who took such action, and the background and resolution of such action.
48. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? No If so, state the date you were requested to submit to such a test, type of test requested, the name and contact information of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

49. Have you ever been a party to litigation alleging that you failed to comply with the substantive requirements of any business or contractual arrangement, including but not limited to bankruptcy proceedings? No If so, explain the circumstances of the litigation, including the background and resolution of the case, and provide the dates litigation was commenced and concluded, and the name(s) and contact information of the parties,

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| <b>PROFESSIONAL AND PUBLIC SERVICE</b> |
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50. Have you published or posted any legal or non-legal books or articles? No If so, list with the citations and dates.
51. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? Yes If not, explain.
52. Have you taught any courses on law or lectured at bar associations, conferences, law school forums or continuing legal education seminars? Yes If so, describe.

CLE- Dependency training, co-instructor 2013\*  
Landlord/Tenant Seminar 2006/2007\*  
Property Seminar 2006/2007\*  
Arizona Western College, Associate Professor, Fall 2010  
\*Approximate

53. List memberships and activities in professional organizations, including offices held and dates.  
Yuma Union High School Association, President (2012)

Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? Yes

List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

2012- Yuma County Bar, Treasurer  
2013- Yuma County Bar, President

I provided pro bono legal services for Community Legal Services and Veterans Services.

54. Describe the nature and dates of any relevant community or public service you have performed.  
2016: Yuma Youth Soccer Association, coach

55. List any relevant professional or civic honors, prizes, awards or other forms of recognition you have received.

2014- Arizona Attorney Generals Office: Outstanding Advocate, Protective Services Section

56. List any elected or appointed public offices you have held and/or for which you have been a candidate, and the dates.  
Not applicable

Have you ever been removed or resigned from office before your term expired?  
\_\_\_ If so, explain.

Have you voted in all general elections held during the last 10 years? \_\_\_\_\_ If not, explain.

57. Describe any interests outside the practice of law that you would like to bring to the Governor's attention.

Our family enjoys attending community and charity events, including dance recitals and theatre performances, Bridget's Gift, art and children's festivals.

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| <b>HEALTH</b> |
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58. Are you physically and mentally able to perform the essential duties of a judge with or without a reasonable accommodation in the court for which you are applying? Yes



### ADDITIONAL INFORMATION

59. Provide any information about yourself (your heritage, background, life experiences, etc.) that you would like the Governor to consider.

I took the bar exam in July, 2006, and had my first daughter just over a week later. I am now a Mother to 5 amazing children, who are 12, 11, 10, 7, and 4 years old. I married my high school sweetheart over 13 years ago and he has been a constant source of love and support in all my endeavors. Family is extremely important to me and I value quality time spent with loved ones. Our children are involved in athletics and we have been fortunate to provide them with opportunities to compete in dance, wrestling, gymnastics, flag football and soccer, which takes up most of our free time. I love and am a proud Yuma resident and feel our children are blessed to grow up in such a strong, kind, supportive, and hardworking community.

60. Provide any additional information relative to your qualifications you would like to bring to the Governor's attention.

While sitting in a fast food drive through line in the summer of 1997, I caught site of a billboard advertising the need for Court Appointed Special Advocates (CASA). I had never heard of such organization and thought why not. I signed up shortly thereafter and was able to volunteer during my freshmen year at ASU. As a CASA I reviewed CPS files, met with children in foster care and wrote reports for the Courts review. Little did I know then that my path would ultimately lead me back to practicing law and working with this same agency over 10 years later.

61. If selected for this position, do you intend to serve a full term and would you accept rotation to benches outside your areas of practice or interest and accept assignment to any court location? Yes If not, explain.

62. Attach a brief statement explaining why you are seeking this position.  
See Attachment "A"

63. Attach two professional writing samples, which you personally drafted (e.g., brief or motion). **Each writing sample should be no more than five pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing samples. Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public.  
See Attachment "B"

64. If you have ever served as a judicial or quasi-judicial officer, mediator or arbitrator, attach sample copies of not more than two written orders, findings or opinions (whether reported or not) which you personally drafted. **Each writing sample should be no more than five pages in length, double-spaced.** You may excerpt a portion of a larger document to provide the writing sample(s). Please redact any personal, identifying information regarding the case at issue, unless it is a published opinion, bearing in mind that the writing sample may be made available to the public.

See Attachment "C".

65. If you are currently serving as a judicial officer in any court and are subject to a system of judicial performance review, please attach the public data reports and commission vote reports from your last three performance reviews.  
Not applicable

**-- INSERT PAGE BREAK HERE TO START SECTION II  
(CONFIDENTIAL INFORMATION) ON NEW PAGE --**

# ATTACHMENT A

## ATTACHMENT A

### QUESTION #62, Brief Statement as to why you are seeking this Position

I was born and raised in Yuma, Arizona and attended Kofa High School. I am one of seven children and I have two step-siblings. I am the only child in my family to have graduated from college. My parents divorced when I was 6 years old. My Mother was adopted into a Hispanic home and we continue to carry on many of her traditions. She was an amazing woman, kind, strong, honest, simple, patriotic, loving and wise and I strive to make her proud every day. My father is one of the most hardworking men I know. He worked in construction for a number of years and is now a business owner. He is smart, funny, kind, honest, loving and my biggest fan.

I began working at the age of 15. I worked throughout high school and college, while a full time student. During the summers I would return to Yuma where I worked for the City of Yuma as a lifeguard/swim instructor/pool manager. Upon graduating college in 2001, I moved to California briefly and then returned to Yuma in 2002 for an employment opportunity. I also returned to college to work on a Degree in Education. It was during this time that my love for the law began. I was given the opportunity to work in a law office for a family member as a legal assistant. It was here that I was encouraged to go to law school. I attended the University of LaVerne in Ontario, California and graduated in May, 2006.

My appointment to the Yuma County Superior Court would be the culmination of many, many years of hard work and a lifetime achievement. I have been on the bench in Yuma Justice Court for a little over two years and although challenging at times, it has been a rewarding, humbling and amazing experience. I value the judiciary's role in ensuring equal access to our justice system and resolving controversies for litigants in a fair, impartial, efficient, patient and courteous manner. I believe I can provide such experience on the Superior Court bench. I also believe I can provide our bench with a diverse judicial officer, who is well rounded and always willing to go the extra mile. Yuma Justice Court processes a high volume of civil and criminal matters and I have had the ability to move our busy calendar efficiently. I have experience in many areas of law, have handled jury trials, and a number of bench trials, this quality would be beneficial to our community.

Being on the Superior Court bench would further expand my knowledge base to help me become a more experienced and knowledgeable Judge. More importantly, my appointment would allow me to give back to this wonderful community I have been privileged to be born and raised in.

# ATTACHMENT B

FILED

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1 Gregory T. Torok, State Bar No. 017522  
2 R. Erin Farrar, State Bar No. 025101  
3 Torok Law Office, P.L.L.C.  
4 268 South First Avenue  
5 Yuma, AZ 85364  
6 Telephone (928) 539-0555  
7 Telefax (928) 539-0888



S1400DO200400563

BEVERLY EDWARDS  
CLERK OF SUPERIOR COURT  
YUMA, ARIZONA

Attorney for Petitioner/Wife

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In re the Marriage of:

AURORA BENNETT,

Petitioner,

and

DARRELL K. BENNETT,

Respondent.

) Case No.: S1400DO2004 - 00563

) Div. 2 \_

) Hon. John Paul Plante

) CONSENT DECREE OF DISSOLUTION  
) OF MARRIAGE WITH CHILDREN

14 The above captioned and numbered cause was submitted to the above-entitled Court by  
15 Stipulation for Entry of Consent Decree of Dissolution on the day and year last herein  
16 mentioned; Petitioner, AURORA BENNETT, appearing through counsel, R. Erin Farrar, and  
17 Respondent, DARRELL K. BENNETT, appearing in pro per, the Court finds as follows:

18 1. The Court has taken all testimony needed to enter a Decree, or the Court has determined  
19 testimony is not necessary for the entry of a Decree;

20 2. This Court has jurisdiction over the parties under the law, the provisions of this Decree  
21 are fair and reasonable under the circumstances and in the best interests of the minor child as to  
22 custody, parenting time and support, and the division of property and debt is fair and equitable.

1 THE COURT FURTHER FINDS THAT:

2 3. At the time this action was commenced, at least one of the parties was domiciled in the  
3 State of Arizona, and this domicile had been maintained for at least ninety days prior to the  
4 filing of the Petition for Dissolution of Marriage.

5 4. The conciliation provisions of A.R.S. Sec. 25-381.09 have been either met or do not  
6 apply.

7 5. The parties have stipulated that the marriage is irretrievably broken, and there is no  
8 reasonable prospect of reconciliation.

9 6. The marriage is not a covenant marriage.

10 7. The parties have minor child common to the marriage. Wife is not now pregnant.

11 8. The parties have, to their own satisfaction, divided all community assets and debts.  
12 Each of the parties has sole and separate personal property that is confirmed to her or him  
13 respectively.

14 9. To the extent that it has jurisdiction to do so, the Court has considered, approved and  
15 made orders relating to issues of child custody, parenting time, child support, spousal  
16 maintenance, and the division of property and/or debts.

17 10. The provisions of this Decree are fair and equitable under the circumstances.

18 11. The undersigned parties agree to proceed by consent; each party believes no duress or  
19 coercion is involved; each party believes the division of property or debt contained in this  
20 document or any marital settlement agreement attached hereto is fair and equitable; each party  
21 understands that he or she has the right to retain or has retained legal counsel of his or her  
22 choice and is waiving the right to trial; and each party understands the effect, if any on any  
23 existing protective Orders, of which there are none.  
24

1 12. Petitioner and Respondent have attended the Parent Information Program class as  
2 evidenced by the "Certificate of Completion" in the court file.

3 IT IS NOW, THEREFORE, ORDERED, ADJUDGED AND DECREED:

4 1. Dissolution: The marriage of the parties is hereby dissolved, and each is restored to the  
5 status of a single person.

6 2. Child Custody, Parenting Time, and Child Support:

7 a. **Children**: This Decree includes all minor children common to the parties as follows:

8 Burton K. Bennett, date of birth, March 26, 1994.

9 b. **Child Custody/Parenting Time**:

10 Petitioner and Respondent agree to act as joint custodians of the child, as set  
11 forth in the Mediation Agreement signed by both parties and attached to this Decree as Exhibit  
12 "A". The Court adopts the terms of the Mediation Agreement describing the custody and  
13 parenting time agreement between the parties.

14 c. **Child Support**: Respondent shall continue to pay support per the current child  
15 support order which is hereby affirmed.

16 d. **Medical and Dental Insurance, Payments, and Expenses**:

17 (1) Insurance. Respondent shall continue to provide medical and dental  
18 insurance for the minor child. Respondent shall keep Petitioner informed of the insurance  
19 company name, address and telephone number, and must give the other party the documents  
20 necessary to submit insurance claims.

21 (2) Non-covered Expenses. Petitioner is ordered to pay 29%, AND Respondent  
22 is ordered to pay 71% of all reasonable uncovered and/or uninsured medical, dental,  
23 prescription, and other health care charges for the minor child, including co-payments.  
24



1       3. Spousal Maintenance: Neither party shall be awarded spousal maintenance from the  
2 other.

3       4. Disposition of Property: Property of the parties, whether community or sole and  
4 separate, is hereby divided as follows:

5           **a. Petitioner's Property:**

6           (1) The property in Petitioner's name, possession or control is hereby confirmed to her  
7 as her sole and separate property; and Petitioner is further awarded, as her sole and separate  
8 property, all property in his name, real, personal or mixed, wheresoever situated, free of all  
9 claims by Respondent, subject to any encumbrance owed thereon, including, but not limited to:  
10 personal items, jewelry, clothing, articles of personal adornment, household furniture, bank  
11 accounts, pensions, stocks, bonds and motor vehicles.

12           (2) One half (1/2) of all proceeds received from the Bankruptcy distribution in case  
13 number B-05-00254-YUM-JMM. Petitioner shall receive her share upon distribution of the  
14 same to Respondent.

15           **b. Respondent's Property:**

16           (1) The property in Respondent's name, possession or control is hereby confirmed to  
17 him as his sole and separate property; and Respondent is further awarded, as his sole and  
18 separate property, all property in his name, real, personal or mixed, wheresoever situated, free  
19 of all claims by Petitioner, subject to any encumbrance owed thereon, including, but not limited  
20 to: personal items, jewelry, clothing, articles of personal adornment, household furniture, bank  
21 accounts, pensions, stocks, bonds and motor vehicles.

22           (2) One half (1/2) of all proceeds received from the Bankruptcy distribution in case  
23 number B-05-00254-YUM-JMM.  
24

1           **c. Real Property:**

2                   1. Respondent is awarded the real property located at 910 and 912 E. Harvard  
3 Street, Yuma, Arizona and legally described as:

4                   Rossi Sub. A mend, Lot 4 & 5;

5                   Petitioner will transfer the above described property to Respondent by quit  
6 claim deed. As an offset for said property Respondent shall transfer the total amount of  
7 \$19,425.14 to Petitioner. Respondent shall pay said sum with his one half (½) of the  
8 proceeds received from the Bankruptcy distribution. Any amounts still due and owing  
9 after receipt of the Bankruptcy proceeds shall be paid by monthly payments in the  
10 amount of \$250.00 with interest at 7.5%. Respondent shall have until March of 2012 to  
11 provide payment in full.

12           **d. Retirement Plans:**

13                   (1) Respondent's State of Arizona Retirement: The Court finds Respondent's Arizona  
14 State Retirement is a community asset in part. Petitioner is entitled to one half (1/2) of the  
15 benefit accrued between December 22, 1992 and April 22, 2004. Wife has elected not to  
16 receive a survivor benefit under Respondent's retirement plan. However, the cost of the  
17 survivor benefit for a subsequent spouse shall be born solely by the participant. Petitioner shall  
18 be responsible for preparing and submitting a qualified domestic relations order (QDRO)  
19 directing payment of her share.

20                   The Court shall retain jurisdiction over the subject matter of the QDRO.

21                   (2) Respondent's IRA accounts: shall be awarded to Respondent.

22                   (3) Petitioner's YRMC retirement: shall be awarded to Petitioner.

23

24

1 TOROK LAW OFFICE, P.L.L.C.  
2 Gregory T. Torok, State Bar No. 017522  
3 R. Erin Farrar, State Bar No. 025101  
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FILED

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CLERK OF SUPERIOR COURT  
YUMA, ARIZONA 85364

Attorney for Petitioner/Father

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In Re the Marriage of:

LESLIE D. WILLIAMS,

Petitioner,

and

JANELLE WILLIAMS,

Respondent.

Case No. S1400DO2008-01689

Div. Com. 1

Hon. Stocking-Tate

VERIFIED MOTION  
FOR TEMPORARY  
ORDERS AND REQUEST FOR  
EXPEDITED HEARING

COMES PETITIONER, by and through counsel undersigned, and hereby respectfully moves  
this Court for temporary Orders regarding custody, parenting time, and child support.

This Motion is supported by Rule 47 of the *Arizona Rules of Family Law Procedure*, A.R.S. §25-817 (temporary orders); A.R.S. §25-403.09 (Child Support); A.R.S. §25-404 (custody); A.R.S. §25-408 (parenting time). This motion is further supported by the attached and incorporated by reference child support worksheet and memorandum of points and authorities.

In addition, submitted herewith is an original and three (3) copies of an Order substantially similar to Form 13, Order to Appear, three (3) copies of the motion, and three copies of documents required by Rule 47 (referencing Rule 49).

Petitioner has filed a Petition for Dissolution With Children contemporaneously with this Motion. There are no formal agreements between the parties regarding *pendente lite* child custody, parenting time, and child support.

///

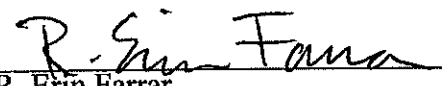


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WHEREFORE, Petitioner requests temporary Orders consistent with the requests made herein,  
and any other such relief as may be just and proper.

RESPECTFULLY SUBMITTED, this the 17<sup>th</sup> day of December, 2008;

  
R. Erin Farrar  
Attorney for Petitioner

MEMORANDUM OF POINTS AND AUTHORITIES

I. Custody and Parenting Time.

The parties have three minor child in common, namely, Chasyn Williams, born ; Hunter Williams, born; and Holden Williams, born. Respondent/Mother moved out of the marital residence in August, 2008. There are serious concerns for the health, safety, and welfare of the minor children. Since the separation, Respondent/Mother has exhibited poor decision making and engaged in inappropriate conduct to the detriment of the minor children. First, Respondent/Mother has shown a complete disregard for the children's education. Petitioner/Father has received phone calls from the minor children while in the care of Respondent/Mother after midnight when the children have school the following day. Of more concern is the fact that in the 4 months that the children have been primarily with Respondent/Mother, their school attendance has seriously suffered to the point that a conference was scheduled. The children have missed between 8-10 days of school in the past 4 months, although some of the absences were excused. In addition, Respondent/Mother has admitted that she has allowed the children to stay home on days when her work schedule interfered with her ability to pick the children up from school. Finally, Respondent/Mother has allowed her oldest child to drop out of highschool so that he could work two jobs.

Second, Respondent/Mother has engaged in a party lifestyle which would not be of significance but for the following: (1) Respondent/Mother tends to go out not only during the weekend but also during the school week; (2) the children are left unsupervised or with their 17 year old step-brother; this is troublesome due to the fact that the step-brother is currently on supervised probation for drug related charges; (3) Respondent/Mother brings strangers into the home and proceeds to drink heavily in the presence of the children; (4) the minor children have found used contraceptives in the home and Respondent/Mother freely discusses her sex life in front of the children; and (5) Respondent/Mother has had significant weight loss in a short period of time which may be drug related.

Third, Respondent/Mother is unable to provide suitable living arrangements. The children have had to move twice since Respondent/Mother left the marital residence. Upon leaving the marital residence, Respondent/Mother rented an apartment and was shortly thereafter evicted. Respondent/Mother now resides in a two bedroom apartment with the parties 3 children and their step-

1 brother. In addition, Respondent/Mother allows another female adult who she has only known for a  
2 short time, to stay in the apartment and sleep in the same bed with the minor children.

3 Finally, Respondent/Mother is unable to support the children. Respondent/Mother has been  
4 terminated from her two most recent jobs and is currently unemployed. Respondent/Mother has asked  
5 Petitioner/Father to keep the children due to her inability to feed them.

6 Petitioner/Father can provide the minor children with a stable and loving environment. The  
7 children would have the comfort of being in the same home they have lived in for the past 3 years. The  
8 children's school is nearby and Petitioner/Father can adequately provide for their basic needs. The  
9 current parenting time arrangement is not in the best interests of the minor children. Based on the  
10 foregoing, Petitioner/Father respectfully requests that the Court make a temporary order as to custody  
11 and parenting time as set forth in the parenting plan of Petitioner/Father.

12 II. Child Support.

13 Petitioner/Father is currently employed with EC III as an observer. Petitioner/Father currently  
14 earns \$23.98 per hour. Respondent/Mother is currently unemployed. Petitioner/Father requests an  
15 award of temporary child support pursuant to the Arizona Child Support Guidelines.

16 III. Expedited Hearing

17 Although Petitioner/Father does not believe that the children are in immediate danger of  
18 physical harm, based on the above, there is a valid concern for the health, safety, and welfare of the  
19 minor children. As such, Petitioner/Father requests that this matter be set for hearing as soon as  
20 possible.

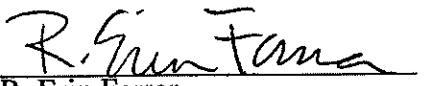
21 WHEREFORE, Petitioner respectfully requests the following relief:

22 1. The Court issue its Order to Appear, directing and ordering Respondent to appear before  
23 the court on a day certain and show cause, if any she has, why the court should not order relief  
consistent with that requested herein above;

24 2. The Court upon hearing, enter an Order consistent with the above requested relief; and

25 3. Such other and further relief as the court may deem proper in this matter.

26 RESPECTFULLY SUBMITTED, this the 17<sup>th</sup> day of December, 2008;

27  
28   
R. Erin Farrar  
Attorney for Petitioner

# ATTACHMENT C

IN THE JUSTICE COURT  
FIRST PRECINCT  
COUNTY OF YUMA, STATE OF ARIZONA

ANTONIO MEDRANO,

Plaintiff,

vs.

MAXIMO ZAMORA; MARIA ZAMORA;  
EVA VELASCO OLVERA; DOES 1-5,  
Defendants,

Case No.: J1401CV201401955

**ORDER**  
**(Under Advisement)**

This matter having come before this Court on July 7, 2017, and September 12, 2017, on a Non-Jury Civil Trial, the Honorable R. Erin Farrar, Justice of the Peace Pro Tem of Yuma Justice Court, First Precinct presided, also present, John Serrano, counsel for Plaintiff; Plaintiff, Antonio Medrano; Steven K. Marlowe, counsel for Defendants Zamora; Defendant, Maximo Zamora; and Defendant Eva Velasco Olvera in pro per; Defendant Maria Zamora failed to appear.

The Court having considered the testimony of Plaintiff Antonio Medrano; Defendant, Maximo Zamora; Defendant Eva Velasco Olvera; and Curt Foster, retired fire marshall; as well as Plaintiff's Exhibits 1-6 and Defendant's Exhibits 1-2; and the Court's file;

THEREUPON, having taken this matter under advisement the Court makes the following findings:



- 1 1. Plaintiff is the owner of Tony's Auto Shop, a towing and  
2 auto mechanic shop which is located to the East of  
3 Defendant's residence; Plaintiff has owned the shop for  
4 12 years;
- 5 2. Defendants Zamora are husband and wife and the owners and  
6 landlord of the property located at 3425 W. 8<sup>th</sup> St., Yuma,  
7 Arizona;
- 8 3. Defendants Zamora and Defendant Eva Velasco Olvera  
9 entered into a rental agreement for the residence located  
10 at 3425 W. 8<sup>th</sup> St., Yuma, Arizona on January 1, 2007, and  
11 on the date in question had a month to month tenancy;
- 12 4. Said landlord/tenant relationship had been ongoing for  
13 over 73 months as of the date of the alleged incident;
- 14 5. The rental property had one bathroom and utilized a  
15 septic tank;
- 16 6. Burn evidence and testimony indicates that on or about  
17 February 24, 2013, a fire was intentionally set in a hole  
18 located in the Defendants backyard;
- 19 7. Said hole was of medium size and had a tree stump  
20 sticking out from the middle;
- 21 8. Burn evidence and testimony indicates the fire spread  
22 East to Plaintiff's property causing various property  
23 damage;
- 24 9. Defendant Velasco admitted that she burned trash,  
25 including toilet paper in the hole in her backyard every  
26 other day or every 3 days;

1 10. Defendant Maximo Zamora went to the residence to  
2 collect rent every month and on occasion would provide  
3 landscaping services;

4 11. Defendant Maximo Zamora gave Defendant Velasco  
5 permission to remove a tree located in the backyard,  
6 leaving a visible stump;

7 12. Defendant Maximo Zamora would walk around the rental  
8 home and backyard patio when he came to pick up the  
9 monthly rent;

10 13. Plaintiff sustained damages to two vehicles and  
11 various auto parts;

12 14. Defendant Maximo Zamora admitted to seeing burned  
13 vehicles on Plaintiff's property;

14 15. Given the extensive use of the fire hole and  
15 visibility of the hole, the court finds the credibility  
16 of Defendant Zamora questionable as to his lack of  
17 knowledge of the burning;

18 16. Defendants Zamora knew or should have known of the  
19 tenant's frequent and consistent burning;

20 17. Defendants Zamora failed to act reasonably under the  
21 circumstances; Defendants Zamora allowed Defendant  
22 Velasco to continue to rent the property without  
23 requiring any remedial action regarding the fire hazard;

24 18. Defendant Zamora's inaction contributed to the damages  
25 sustained by Plaintiff.  
26

1 19. Plaintiff's testimony as to the issue of damages is  
2 credible and Plaintiff has a certain level of expertise  
3 in assessing damages by virtue of his employment in the  
4 auto repair industry for 12 years.

5 20. Damages have been shown in an amount reasonably  
6 certain;

7 **IT IS ORDERED** granting Judgment in favor of the Plaintiff  
8 and against the Defendants in the principal sum of **\$10,000.00**  
9 plus court costs, all these at the statutory interest rate per  
10 annum from date of Judgment until paid, together with after  
11 accruing costs.  
12

13 **IT IS FURTHER ORDERED** that liability of each Defendant for  
14 damages is several only. Pursuant to A.R.S. §12-2506(A) fault  
15 will be apportioned among the Defendants as follows: as to  
16 Defendants Zamora, the court apportions 30% fault. As to  
17 Defendant Velasco, the court apportions 70% fault.  
18

19 **IT IS FURTHER ORDERED** that Plaintiff shall prepare a form  
20 of Judgment consistent herewith.

21 Dated this 19<sup>th</sup> day of September, 2017.  
22

23 R. Erin Farrar  
24 R. Erin Farrar  
Justice of the Peace, Pro Tem  
25 / / /  
26 / / /

1 Copies of the foregoing mailed on  
2 September 20, 2017 to the following:

3 John H. Serrano, Esq.  
4 209 West Second Street  
5 Yuma, AZ 85364  
6 *Counsel for Plaintiff*

7 Steven K. Marlowe, Esq.  
8 P.O. Box 258829  
9 Oklahoma City, OK 73125-8829  
10 *Counsel for Defendants Zamora*

11 Eva Velasco Olvera  
12 3425 W. 8<sup>th</sup> Street  
13 Yuma, Arizona 85364  
14 *Defendant in Pro Per*

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By: Teresa Piedra  
Civil Clerk

YUMA JUSTICE COURT  
NA FIRST PRECINCT

1 2. On or about September 30, 2018, the property was severely  
2 damaged due to Tropical Storm Rosa.

3 3. On or about October 8, 2018, repair work commenced on the  
4 property.

5 4. Defendants paid the full rental amount of \$1,400.00 for the  
6 month of October.

7 5. On November 5, 2018, Defendants hand delivered and sent a  
8 letter to Realty Executives (property manager) advising that  
9 Defendants were invoking their rights under A.R.S. §33-1366(A)  
10 and reducing the rental amount owed.

11 6. On November 14, 2018, counsel for Plaintiff advised  
12 Defendants that Plaintiff was disputing Defendants right to  
13 withhold rent and demanded payment in full.

14 7. On December 3, 2018, Defendants were sent via certified mail  
15 a Notice of Intent to Evict.

16 8. On December 5, 2018, Defendants presented to Realty  
17 Executives a letter advising Defendants were entitled to a rent  
18 reduction of \$875 per month and enclosing a rent check for  
19 \$525.00 for December.

20 9. On December 19, 2018, Plaintiff filed its Complaint for  
21 Special Detainer.

22 10. On December 26, Defendants filed their Answer and  
23 Counterclaim citing to A.R.S. §33-1367 and for emotional tort;

24 11. On January 8, 2019, this matter came before the Court for  
25 hearing and on January 10, 2019, the Court issued its Order  
26 Dismissing Plaintiff's complaint and Defendants' counterclaim.

1 12. On January 11, 2019, Defendants filed their Motion for  
2 Reconsideration.

3 Defendant has cited A.R.S. §33-1381, which provides in pertinent  
4 part:

5 A. Except as provided in this section, a landlord may not  
6 retaliate by increasing rent or decreasing services or by  
7 bringing or threatening to bring an action for possession  
8 after any of the following:

9 1. The tenant has complained to a governmental agency  
10 charged with responsibility for enforcement of a building  
11 or housing code of a violation applicable to the premises  
12 materially affecting health and safety.

13 2. The tenant has complained to the landlord of a violation  
14 under section 33-1324.

15 3. The tenant has organized or become a member of a  
16 tenants' union or similar organization.

17 4. The tenant has complained to a governmental agency  
18 charged with the responsibility for enforcement of the  
19 wage-price stabilization act.

20 C. Notwithstanding subsections A and B of this section a  
21 landlord may bring an action for possession if either of  
22 the following occurs:

23 2. The tenant is in default in rent. The maintenance of the  
24 action does not release the landlord from liability under  
25 section 33-1361, subsection B.

26 Defendants specifically argue that Plaintiff's eviction was in  
retaliation for the reduction of their rent, pursuant to A.R.S.  
§33-1366(A)(2) (Motion, page 2). However, such argument would  
not be a basis for relief per §33-1381, listed above. The record  
is absent of any facts which would support relief under §33-  
1381(A)(1)-(4). For example, there was no complaint raised  
against the landlord for a violation of the lease agreement.  
This prerequisite is clearly set forth in Thomas v. Goudreault,  
163 Ariz. 159 (1989), cited by Defendants. In Thomas, the Court  
did find that there was a threat of eviction in response to the

1 tenants threat to improperly avail himself of self-help remedies  
2 under the Landlord Tenant Act. *Id.* at 13, ¶1. The Court also  
3 found the threat came shortly after the tenant wrote a letter to  
4 the landlord demanding numerous repairs and threatening legal  
5 action or self-help remedies. *Id.* at 13, ¶1. This scenario is  
6 clearly distinguishable from that presented here.

7 The facts presented here included that the property was  
8 damaged, repairs were being made, and Defendants chose not to  
9 vacate the property and terminate the rental agreement but to  
10 remain on the premises during repairs/construction. The  
11 Defendants did not demand repairs, threaten legal action or  
12 self-help remedies. The Defendants demanded a reduction in rent  
13 in proportion to the diminution in the fair rental value of the  
14 dwelling unit and the Plaintiff objected. The testimony  
15 presented is that there was a verbal counter offer presented to  
16 Defendants and it too was rejected. Ultimately, no agreement was  
17 ever reached and the Defendants unilaterally reduced the rental  
18 amount as they deemed appropriate and submitted such sums to  
19 Plaintiff in December, 2018, after the Notice of Intent to Evict  
20 was already sent.

21 Additionally, §33-1381(C)(2), specifically provides that a  
22 landlord may bring an action for possession if the tenant is in  
23 default in rent. To the extent there was no written agreement or  
24 compromise as to the rent reduction, both parties were free to  
25 assert their legal rights.



1 Although the Court found that there was some portion of the  
2 property that was substantially impaired, and therefore, the  
3 Defendants were within their rights to invoke §33-1366, this  
4 fact does not negate the Plaintiff's right to bring an action  
5 for possession for the reasons set forth above and the court  
6 finds Plaintiff's conduct was not retaliatory.

7 The Court therefore denies Plaintiff's Motion for  
8 Reconsideration.

9 **IT IS ORDERED** reaffirming the Court's Judgment entered  
10 January 10, 2019.

11 Dated this 5<sup>th</sup> day of February, 2019.

12  
13 R. Erin Farrar  
14 R. Erin Farrar  
15 Justice of the Peace Pro Tem

16 Copies of the foregoing mailed on  
17 February 5<sup>th</sup>, 2019 to the following:

18 Copies of the foregoing, place in counsel's process  
19 Servers court inbox 2/5/19

20 THE LAW OFFICES OF RYAN C. HENGL  
21 Ryan c. Hengl  
22 256 S. 2<sup>nd</sup> Ave, Suite F  
23 Yuma, AZ 85364

24 Jeffery K. Mangis  
25 Sherri A. Mangis  
26 6633 E. Mission Street  
Yuma, AZ 85365

By: Teresa Piedra  
Chief Civil Clerk

# R. ERIN FARRAR

1483 W. Las Lomas Street, Yuma, AZ 85364 · 928-304-1516  
rfarrar@courts.az.gov

Seeking appointment to Yuma County Superior Court, Division 2. Skilled Attorney with 12 years of legal experience, including 2 years on the bench as a Justice of the Peace Pro Tem in Yuma County. Well organized and detailed. Objective and persuasive in both written and oral communications. Fair, responsible, professional and prepared.

## EXPERIENCE

### FEB, 2017 – CURRENT

#### JUSTICE OF THE PEACE PRO TEM, YUMA COUNTY

Responsible for misdemeanor cases. Conduct the initial appearance and arraignments, pre-trial conferences, status hearings, trial settings, and final management conferences. Review and rule on substantive pre-trial motions and/or conduct evidentiary hearings. Preside over bench and jury trials, sentencing, and restitution hearings. Responsibilities also include post-adjudication matters such as Motions for New Trial, Motions for Reconsideration, and Post-Conviction Relief. Ensure compliance with court orders including the issuance of warrants and conducting status and order to show cause hearings. Preside over 10-20 criminal hearings per day. Presided over 11 jury trials and approximately 25 bench trials in the last 2 years.

Responsible for all civil matters, from review of initial pleadings (Complaints/Answers) to Discovery disputes, Motions to Dismiss, and Motions for Summary Judgment as well as other pre-judgment matters. Responsible for preparing for and conducting bench trials and post-adjudication proceedings such as debtor exams and garnishments. Responsibilities also include presiding over Eviction actions when needed and Protective Order Hearings. On average, I review 40-50 civil filings per week and preside over 5-10 civil hearings per month. Presided over 15 civil bench trials in the last 2 years.

### JAN 2012 – FEB 2017

#### ASSISTANT ATTORNEY GENERAL, ARIZONA ATTORNEY GENERAL

Represented both the Division of Child Safety and the Division of Child Support Services. For DCS, responsible for the litigation of Dependency matters including drafting Petitions for Dependency, Severance, Guardianship, and Adoption as well as preparing for daily court proceedings. Regular court appearances included preliminary protective hearings, report and review hearings, and trials. For CSS, drafted legal pleadings with respect to the establishment, modification and termination of child support orders as well as paternity actions. Attended regular court proceedings. Provided legal advice on matters pertaining to DCS and CSS policy and procedure as well as case management. Responsible for approximately 4,000 cases while employed with the AG's Office

**JAN 2009- JAN 2012**

**PARTNER, GARCIA, HENGL, KINSEY, FARRAR & VILLARREAL, PLC**

Continued legal work in domestic relations, estate planning, corporate law, contracts, criminal defense and juvenile dependencies and delinquencies. Assisted individuals in the resolution of dissolution, child custody, child support and post decree matters. Prepared for and litigated numerous trials. Effectively negotiated plea agreements and dissolution settlements. Represented parents and children in all aspects of dependency cases including trials, severance, adoption and guardianship.

**FALL, 2010**

**ADJUNCT PROFESSOR, ARIZONA WESTERN COLLEGE**

Participated in the paralegal studies program teaching the basics of Property Law.

**DEC 2007- JAN 2009**

**ASSOCIATE ATTORNEY, TOROK LAW OFFICE, PLLC**

Responsible for numerous civil and criminal cases. Assisted individuals in the resolution of Domestic Relations matters. Legal research, drafted and edited a high volume of pleadings. Represented parents and children in Dependency, Guardianship, and Adoption matters. Criminal defense.

**AUG 2006- NOV 2007**

**ASSOCIATE ATTORNEY, DIDIO LAW FIRM, LLC**

Provided legal services in civil matters, including tort actions, contract, landlord/tenant, probate, corporate law, estate planning and debt collection. Drafted, and edited legal pleadings and documents. Responsible for extensive legal research and analysis. Provide education seminars to Yuma County residents on landlord tenant and employment law.

**JUNE 2004- JAN 2005**

**LEGAL ASSISTANT, LAW OFFICE OF ROGER MEADOWS**

Prepared, organized, and maintained client files for Senior Attorney. Maintained client trust and operating accounts. Assisted with managing multiple phone lines. Conducted legal research and analysis. Assisted with preparation and filing of legal documents in various civil and criminal matters.

**AUG 2002- AUG 2003**

**LEGAL ASSISTANT, DIDIO LAW FIRM, LLC**

Prepared, organized, and maintained client files for Senior Attorney. Assisted with managing multiple phone lines and initial intake for new clients. Conducted legal research and analysis. Assisted with document preparation and filing a high volume of civil matters including debt collection, bankruptcy, personal injury, property and contract cases.

## **EDUCATION**

**MAY 1997**

**KOFA HIGH SCHOOL**

**DECEMBER 2001**

**BACHELOR OF SOCIOLOGY, ARIZONA STATE UNIVERSITY**

**MAY 2006**

**JURIS DOCTORATE, UNIVERSITY OF LAVERNE**

## **SKILLS**

- Litigation
- Legal Research
- Legal Writing
- Criminal Law
- Civil Law
- Juvenile
- Domestic Relations
- Corporate
- Probate
- Mental Health

## **ACTIVITIES**

Served on the Yuma County Bar as Treasurer and President. Served as a member of the Yuma Union High School Foundation. Pro Bono work for Community Legal Services and Veterans Administration.

## **AWARDS AND HONORS**

- 2011: Attorney General's Office, Outstanding Advocate, Protective Services Section
- CALI Awards: Legal Skills Practicum (2006); Family Law (2004)
- 2006: Inland Valley Arbitration and Mediation Services, Award for Outstanding Achievement in Dispute Resolution

## **BAR/COURT ADMISSIONS**

- 2007, Arizona
- 2009, United States Federal Court

## **REFERENCES**

- Hon. Gregory Stewart, JP1 (928) 817-4117
- Honorable Mark Wayne Reeves (928) 941-2203
- Denise Avila Taylor, Attorney at Law (928) 257-0168