

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-422

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Judge:

Complainant:

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**ORDER**

December 27, 2024

The Complainant alleged a superior court judge allowed an improper change of counsel by the opposing party in a family law 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 members Denise K. Aguilar and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 27, 2024.

2024-422

**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.

I am filing this formal complaint against Judge \_\_\_\_\_ of the \_\_\_\_\_ County \_\_\_\_\_ Court for what I believe constitutes judicial misconduct, preferential treatment, and failure to address ongoing procedural violations. These issues have not only obstructed my ability to participate effectively in the case but also compromised the integrity of the legal process.

Issues of Concern: Procedural Deficiencies and Judicial Leniency  
 Failure to Address Procedural Violations and Improper Substitution  
 Despite repeated requests, Judge \_\_\_\_\_ failed to act on significant procedural violations committed by both \_\_\_\_\_, the current attorney for the Petitioner, and the previous counsel,  
 These violations include:

**ARFLP Rule 9(d)(2)(A):**

This rule requires that when an attorney ceases to represent a party, they must file a Notice of Withdrawal, formally informing the court and all parties. In addition, a new attorney assuming representation must file a Notice of Appearance.

In this case, \_\_\_\_\_ failed to file a Notice of Withdrawal when his representation ended. Despite this, the court accepted \_\_\_\_\_ appearance without proper substitution or compliance with the procedural requirements, violating Rule 9(d)(2)(D).

**Ariz. R. Civ. P. 5.3(b):**

\_\_\_\_\_ had a duty to remain informed of the status of the case and ensure compliance with all procedural rules. However, she did not address the defective appearance and substitution of prior counsel. This failure constitutes a procedural oversight that the judge failed to address, creating confusion and compromising the fairness of the process.

**ER 1.16(d) – Terminating Representation:**

\_\_\_\_\_ had an obligation to protect the client’s interests upon the termination of representation. His failure to file a Notice of Withdrawal and ensure a proper transition to \_\_\_\_\_ violated his ethical duty under this rule.

**Failure to Ensure Notice of Appearance Compliance**

**ARFLP Rule 9(d)(1)(A):**

This rule mandates that attorneys file a Notice of Appearance at the start of representation to formally identify themselves as counsel of record.

\_\_\_\_\_ failed to file a proper Notice of Appearance when he began representing the Petitioner. This oversight misled the Respondent (myself) and the court regarding his official status as counsel, creating procedural confusion and delaying the fair resolution of the case.

**Violation of Professional Conduct Standards – ER 8.4**

Both \_\_\_\_\_ and \_\_\_\_\_ violated ER 8.4, which prohibits attorneys from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Their failure to follow the proper

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Phoenix, Arizona 85007

**FOR OFFICE USE ONLY**

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procedural steps and ensure compliance with substitution requirements amounts to a misrepresentation to both the court and myself. These actions constitute a fraud on the court and undermine the fairness of the proceedings.

**Unauthorized Access to Protected Records**

and her assistant accessed sensitive mental health and financial records under a defective substitution, violating HIPAA and RFPA.

The court's failure to ensure proper substitution facilitated these privacy breaches, placing me at a disadvantage and compromising my privacy right.

**Judicial Discretion Abuse and Preferential Treatment**

Judge failure to address these procedural deficiencies reflects preferential treatment towards opposing counsel, raising concerns about bias. As a self-represented litigant, I have faced heightened scrutiny, with strict application of rules to my filings, while the opposing counsel has benefited from judicial leniency.

Moreover, Judge has repeatedly failed to provide findings of fact and conclusions of law in nearly every order or ruling, creating confusion and impairing my ability to respond effectively. This omission demonstrates an abuse of judicial discretion that has obstructed my access to a fair trial, violating my due process rights under the Fourteenth Amendment.

I respectfully request that the Arizona Commission on Judicial Conduct:

Investigate Judge conduct for preferential treatment, bias, and failure to enforce procedural rules.

Review whether the approval of the defective substitution resulted in violations of privacy laws and procedural fairness. Review whether the defective substitution of violated ARFLP Rule 9(d), HIPAA (42 U.S.C. § 1320d-6), and RFPA (12 U.S.C. § 3401 et seq.).

Ensure that future rulings include findings of fact and conclusions of law to prevent ambiguity and protect self-represented litigants from procedural disadvantages.

Recommend corrective measures to ensure fair treatment of self-represented litigants and compliance with the ethical duties outlined in ER 1.16(d) and ER 8.4.

CC:  
Arizona Attorney General's Office

## RE: Formal Complaint Regarding Civil Rights Violations, Data Privacy Breaches, and Fraud in Legal Proceedings

Dear Attorney General

I am filing this complaint to raise **serious concerns about judicial misconduct, privacy violations, and fraudulent conduct** that have occurred within my case (Case No.: \_\_\_\_\_) in the \_\_\_\_\_ County Court. The actions of Judge \_\_\_\_\_, \_\_\_\_\_ (Attorney for the Petitioner), and her assistant \_\_\_\_\_ have violated **civil rights protections, data privacy laws, and ethical standards**, compromising the integrity of the legal process and my access to fair adjudication.

### Overview of Civil Rights and Data Privacy Violations

#### 1. Due Process and Judicial Misconduct

- Judge \_\_\_\_\_ has failed to address significant **procedural violations** committed by both \_\_\_\_\_ and the Petitioner's prior attorney, \_\_\_\_\_.
- The court has shown **preferential treatment** toward \_\_\_\_\_ allowing her to act as counsel despite **defective substitution** under ARFLP Rule **9(d)(2)(A) and (D)**.
- As a **self-represented litigant**, I have faced **heightened scrutiny** and delays in my filings, while opposing counsel's **procedural violations were ignored**. This disparity constitutes a **violation of my due process rights under the Fourteenth Amendment**.

#### 2. Unauthorized Access to Protected Information

- Under the defective substitution, \_\_\_\_\_ and \_\_\_\_\_ accessed **confidential mental health records and financial data** without proper legal authority.
- These actions violate the **Health Insurance Portability and Accountability Act (HIPAA, 42 U.S.C. § 1320d-6)** and the **Right to Financial Privacy Act (RFPA, 12 U.S.C. § 3401 et seq.)**, as they compromised my privacy and caused **emotional and financial harm**.

## Details of Procedural Fraud and Attorney Misconduct

1. **Defective Substitution and Misrepresentation**
  - o ; submitted a **substitution of counsel request on** but it was not accompanied by the required **written consent from the client or a proper Notice of Withdrawal** from prior counsel, violating **ARFLP Rule 9(d)(2)(A) and (D)**.
  - o Despite this, **Judge** | **approved the substitution on** allowing to act on behalf of the Petitioner without valid legal authority, resulting in **misrepresentation to the court** and myself.
2. **Negligence by Prior Counsel**
  - o The previous attorney, ; failed to file a proper **Notice of Withdrawal**, violating **ER 1.16(d)**, which requires attorneys to take reasonable steps to protect the client's interests upon termination of representation. This procedural defect was **never addressed by the court**.
3. **Violations of Professional Conduct – ER 8.4**
  - o Both ; and engaged in **misconduct involving dishonesty and fraud**, in violation of **ER 8.4**. Their **failure to follow procedural rules** constitutes **fraud on the court** and has undermined the fairness of the legal process.

## Public Interest Concerns

This complaint raises **broader concerns about public trust in the legal system**. The **unauthorized access to protected health information and financial records** not only violates **federal privacy laws** but also sets a **dangerous precedent** for future cases. The **preferential treatment of counsel** and the **failure to ensure procedural compliance** compromise the integrity of the court and **erode confidence in the judicial process**.

## Relief Requested

I respectfully request the Attorney General's Office to:

1. **Investigate** the actions of , , and Judge for **violations of procedural rules, judicial misconduct, and fraudulent conduct**.
2. **Review** whether the defective substitution facilitated **violations of HIPAA and RFPA**, resulting in **unauthorized access to confidential records**.
3. **Determine** whether the actions of Judge and ; have violated **state laws, federal privacy laws, and professional conduct rules**, compromising my **civil rights and due process**.
4. **Recommend corrective measures** to prevent future occurrences and ensure compliance with **procedural rules and privacy protections**.

**Respectfully submitted,**

**CC:**  
Arizona Commission on Judicial Conduct