

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-028

Judge:

Complainant:

ORDER

April 4, 2025

The Complainant alleged a superior court judge did not properly consider her evidence and made an unfair ruling 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 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 Denise K. Aguilar, Colleen E. Concannon, and Joseph C. Kreamer considered this matter.

Copies of this order were distributed to all appropriate persons on April 4, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-028

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.

Please see attached letter.

Thank you for your time on this, my main purpose is to file this complaint in hopes a ruling like this does not happen to someone else and create such a harship.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

See attached

Date:

To:

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229 Phoenix, Arizona 85007

Subject: Formal Complaint Against Judge

Case No.

Dear Arizona Commission on Judicial Conduct

I am writing to file a formal complaint against Judge _____ regarding their handling of my spousal maintenance case, Case No. _____ which was heard in The _____ and Petitioned to Modify courthouse Originally on _____

I believe the judge's decision was unfair and did not reflect a thorough review of the relevant facts, evidence, or applicable law. Specifically, I am concerned about the following issues:

1. **Failure to Review All Evidence:** During the hearing, I provided documentation that clearly demonstrated my financial need and the ability of my ex-spouse to provide spousal support. However, I believe that the judge failed to adequately consider or review some of this crucial evidence, particularly length of marriage, support to the other party to advance in career with the agreement I took care of children and taking a less paying job with good benefits for the family, the difference in wages, debt accrued by both parties and the consideration of the standard quality of life during the marriage.
2. **Unfair Ruling Based on:** In addition, the judge's ruling appears to be based on a bias reasoning assuming I had inherited a home, this assumption was too early from the passing of my mother to take the inheritance into account to lessen the amount. For instance, Judge _____ considered the spousal support calculator until the other party spoke on behalf of the inheritance which I agreed upon at the _____ only with the understanding and with Judge _____ explaining this agreement could be modified at any time with changes. _____, I submitted a Petition to Modify when I knew the inheritance was not a financial gain and would not help with the standard quality of life as it once was or to help me in my time of hardship financially. I am named a Successor of Interest and cannot qualify for the home loan due to my low income and debts from time of marriage. This home is not inherited free and clear as stated in court by the other party on my behalf. Judge _____ failed to review the Affidavit of Financial Information that was submitted and made a ruling to keep the support at a third of the lowest amount in reference to the spousal support calculator. I believe this was a bias decision not taking into consideration the statement and facts provided.

3. **Failure to Follow Legal Precedent:** I also believe that the judge's ruling disregards established legal precedents on spousal maintenance, including the considerations length of marriage, standard of living, employment, having the spouse with less income keep insurance on minor with no agreement of out of pocket medical costs, contributions and sacrifices to help other party in career advancement.
4. **Violation of Procedural Fairness:** Additionally, I was not provided adequate opportunity to present my case or respond to opposing arguments for the Petition to Modify. This procedural error affected my ability to fairly advocate for spousal maintenance when I was told the support could be modified with changes.

I am aware it would take an Appeal to attempt to change the outcome since the Petition was ruled already however during this matter I have not had adequate means to have legal representation. I also feel unheard and defeated by the quick bias decisions Judge _____ has ordered.

Given these concerns, I respectfully request that your office investigate Judge _____ conduct and decision in this case. I believe the ruling was not just an error in judgment, but potentially a violation of the ethical standards expected of a judicial officer.

I have attached all relevant documents, including court transcripts, exhibits, and other materials that support my complaint. I am available to provide any further details or clarifications should they be required.

Thank you for your attention to this matter. I trust that your office will thoroughly review this complaint to ensure a fair and just outcome for all involved. To ensure fair hearings and rulings when there is significant disparity in income between myself and ex-spouse. The ruling that was made has made myself insufficient to maintain the standard of living I had when married or even a third of it like Judge _____ approved amount.

Sincerely,

Attachments:

- Court Transcripts
- Case Documents
- Exhibits or Evidence

COURT OF ARIZONA
COUNTY

HONORABLE

CLERK OF THE COURT

Deputy

IN RE THE MATTER OF

AND

JUDGE

ORDER OF THE COURT

The Court having received and considered Petitioner's *Petition to Modify A Support Order re: Spousal Maintenance*, filed _____,

IT IS ORDERED Petitioner's *Petition to Modify A Support Order re: Spousal Maintenance*, filed _____, as there is no change in circumstances since entry of the Decree.

All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at:

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**