

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 25-038

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Judge:

Complainant:

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**ORDER**

April 18, 2025

The Complainant alleged a justice of the peace did not fully hear her case and consider all the evidence.

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 18, 2025.

2025-038

**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, \_\_\_\_\_ respectfully submit this complaint against Judge \_\_\_\_\_ for her failure to adequately hear the case scheduled for trial on \_\_\_\_\_. Specifically, the following actions and circumstances, in my view, represent a denial of due process and an infringement on my constitutional rights:

**Failure to Hear the Case Prior to Trial:** Despite the case being set for trial, Judge \_\_\_\_\_ did not hear the case or take the necessary steps to address the legal arguments and evidence prior to the scheduled trial date. This failure has resulted in significant prejudice against my side, as the case is complex, and the evidence requires careful review and contextual understanding, which could not have been properly evaluated without an oral hearing. Under Arizona Rule of Civil Procedure 16, it is the duty of the court to manage cases and ensure they are heard in a timely and fair manner, including the right of the parties to present their case fully.

**Denial of Mediation Opportunity:** I acknowledge that mediation was attempted; however, the complexity of this case, which involves substantial factual and legal nuances, rendered mediation insufficient to resolve the matters at hand. The inability to resolve the case through mediation was not due to lack of effort on my part but rather the intricate and multifaceted nature of the issues that required judicial intervention. According to A.R.S. § 12-3002, while mediation is encouraged, it should not be considered an absolute requirement in all cases, especially those with complex issues that require judicial interpretation and review.

**Failure to Consider Contextual Evidence:** Judge \_\_\_\_\_ made a ruling without adequately considering or hearing critical contextual evidence. The evidence presented is not merely a matter of fact but requires explanation and interpretation to be fully understood. The plain presentation of evidence without the proper opportunity for oral argument is a violation of my right to a fair hearing. A.R.S. § 12-2041 and Arizona Rule of Civil Procedure 7 mandate that all parties are entitled to a fair and adequate opportunity to present evidence and legal arguments. The context surrounding the evidence is vital to ensuring a just and informed decision. By not allowing an opportunity for oral argument, the Judge's ruling lacks the foundation necessary for a fair and thorough judgment.

**Violation of Due Process and Constitutional Rights:** The actions of Judge \_\_\_\_\_ in denying the opportunity to hear my case, alongside the hasty nature of the ruling, have effectively deprived me of my right to a fair trial and due process under the law. The denial of an opportunity to present my case and evidence in full has resulted in an unfair disadvantage. U.S. Constitution, 14th Amendment and Arizona Constitution, Article 2, Section 4 guarantee the right to due process, which includes the right to a fair hearing and the right to present evidence and arguments before the court. This failure to adhere to the fundamental principles of justice is a violation of my constitutional rights.

