

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-085

Judge:

Complainant:

ORDER

May 23, 2025

The Complainant alleged a justice of the peace issued an ex parte order of protection, but would not hear from Complainant, whose contested hearing went to another judge who sided against her.

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 May 23, 2025.

2025-085

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.

About [] years ago, my husband and I were just hanging by a thread as a married couple. It had been especially rough that prior year, after my Dad passed away and I realized the lack of connection my life seemed to have. [] (husband) got an Order of Protection, granting him [] years away from me, his wife, a woman with a long history of physically abusive men.

I am wondering if it is constitutional to take away a womans right to parent her child- based solely on hearsay of the jilted husband? I did not get to speak to this judge one time before she severed my rights as [] mom, my then- [] y/o. Details of my case are as irrelevant here now as they were then. 'He-said, she-said'. The facts are that:

- No Crime was committed
- No evidence to prove evidence of any hint of a crime or threat
- If child endangerment did exist, it would likely fall on the Fathers side- seeing as he once nearly killed his ex-girlfriend, [] by breaking her [] and all her []. I would not suggest he IS any threat, he is not, but neither am !!!
- Why was I not allowed one single meeting with Judge [] in which she could hear me and consider adjusting her ruling. My only chance given to defendants to be seen in front of a judge was somehow botched. It was a male judge, not []. He favored my husband, without stating any valid reasons for the decision.

-What does "RIGHT-TO-PARENT" STATE ACTUALLY MEAN, HERE IN ARIZONA, IF IT DOES NOT MEAN THAT I HAVE THE RIGHT TO PARENT?

Some lesser important facts, but just as relevant, are the means by which thisa Order of Protection are carried out. Immediately, I became "homeless", "carless", "money-less"- all things I have never experienced before. To have all three happen to me at the same time, in a town where I knew nobody (but was just beginning to, mostly due to these new needs), was something else. I am not complaining, but I do see how having these power plays in place could potentially screw up anyones life.

I cannot believe these things are constitutional. Please check on [] verify my statements, I plan on finding a civil lawyer to help me follow through on this case of injustice.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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