

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-102

Judge:

Complainant:

ORDER

June 10, 2025

The Complainant alleged a superior court commissioner made an improper legal ruling by denying a request to continue due to a medical issue.

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 Choose an item 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 June 10, 2025.

2025-102

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 represent the Respondent in a child support action. When I signed on with the case, I understood there was a child support conference scheduled on the same day that I had major surgery scheduled for my [] with the [] healthcare system. In past experience with all courtrooms I've appeared, the courts are generally understanding and generous when granting continuances for health related issues. I explained this to the client along with my experiences when working with the family court in both [] and [] County in similar situations. My client was very scared of the conference and needed my support.

I reached out to the Petitioner, who was unrepresented at the time. She declined to stipulate for a continuance. I then submitted a motion to continue with an exact copy of her response regarding the surgery scheduling.

Several days later, I received an order as attached, indicating there was no good cause to continue the child support conference.

Prior to my retention, the conference had been postponed twice due to petitioners lack of action and compliance with applicable rules. I can respect the Courts frustration amongst all of the other families in need however, I cannot be held responsible for items out of my control.

Judge [] response cast doubt about my competency to my client, while appearing to grant potential favoritism to the opposing party. I ended up going through great lengths to find coverage for the conference while trying to rebuild trust with my client. Fortunately, a friend of mine was able to cover for me to make sure the client was supported.

Upon petitioners retention of counsel, after this matter, the conference was again postponed because of petitioners lack of preparation.

I believe in constructive feedback on all sides during every situation. With respect to the amount of cases that may be across Judge [] desk, I believe a major surgery is good cause for a continuance.

I understand if I had provided a verification of the surgery, perhaps the decision would have been different. However, as an officer of the court, and sworn to do the right things for the right reasons, I've experienced the benefit of the doubt in the past with other judges. I am always happy upon request to prove anything that is asked of me, if I have to miss a hearing or otherwise.

A copy of the surgery aftercare instructions is attached for review that verify my whereabouts on that day. For reference purposes, it is my experience with the [] that surgery scheduling letters are generally not provided. This is my experience, however others could have different.

, LP

AZBAR#
PAN#

COURT FOR THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF

Case No.:

Plaintiff,

MOTION TO CONTINUE

vs.

JUDGE: THE HONORABLE

Respondent

, LP for Respondent submits his Motion to Continue the hearing currently set for . This Motion is being made in good faith and no other purpose.

was retained by Respondent on . Prior to the retention, was scheduled for a surgery with general anesthesia through the Hospital in on (the actual time of the surgery is yet to be determined for that day). reached out to Petitioner on requesting to continue the hearing. Per the attached exhibit, Petitioner declined cooperation.

Based on the above, it is respectfully requested the Court continue the hearing for days.

Res



, LP for Respondent

CC:
Petitioner via email



A Legal Para-Professional Company



LP



Dear _____ :

My name is _____. I am a Legal Paraprofessional in _____, AZ, licensed to practice Family and Limited Jurisdiction Civil Law. _____ has retained my office as to the child support matter filed on _____.

I wanted to say "hello" and if you are represented by legal counsel, please pass my information to them. If not, I wanted to address a few matters with you for the case:

1: Upcoming Hearing: I am in a required _____ surgery on _____ and cannot attend the hearing. Would you be willing to stipulate (agree) to a continuation for _____ to _____ days? Please let me know asap as we need to notify the court either way.

2: Disclosures: Per the Arizona Rules of Family Law Procedure 49, a formal request for documents and financial information is attached as required. While you normally have 40 days to respond, a timely response (based on the pending rescheduled court date and subsequent order noted on the _____ minute entry) will be greatly appreciated. We are gathering our own documents as well and will send these to you once ready in conjunction with the same requirements.

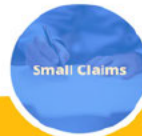
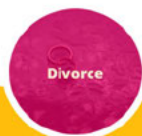
We will also be running our own proposed child support numbers and will send them to you. However, as these numbers are dependent upon parenting time, what is your position as to how many parenting days between your child and his father per year should be counted?

Please let me know,

LP

AZBAR # _____

Emailed _____



_____, AZ _____



From:
Subject: Re: FROM
Date:
To:

Hello ,

I decided that I'm going to keep the same date for the court hearing. Thank you have a blessed day.

On at > wrote:

Good Morning:

Please see attached letter and Notice of Appearance.

AZBAR # , LP

COURT OF ARIZONA
COUNTY

CLERK OF THE COURT

HONORABLE

Deputy

IN RE THE MATTER OF

AND

COMM.

MINUTE ENTRY

The court is in receipt of counsel for Respondent's Motion to Continue filed _____,

IT IS ORDERED denying Respondent's Motion to Continue, as there is no sufficient good cause for continuing the scheduled of child support conference.

IT IS FURTHER ORDERED affirming the Child Support Conference scheduled to occur on _____ at _____ before Family Conference Officer.

Parties will receive a call from a Family Court Conference Officer prior to the Conference. If parties do not receive a call, they may contact Family Court Administration at _____.

Please join my meeting either by web by using this link:

**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.**