

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-104

Judge:

Complainant:

ORDER

July 11, 2025

The Complainant alleged a superior court commissioner made a remark that was offensive to a litigant in a guardianship 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 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 Joseph C. Kreamer, Regina L. Nassen, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 11, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-104

COMPLAINT AGAINST A JUDGE

Name:

Judge's Name:

Commissioner

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 enclosed correspondence

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VIA EMAIL (cjc@courts.az.gov)

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

Re: Commissioner

To Whom it May Concern:

The purpose of this correspondence is to file a complaint against the Honorable
An Online Complaint Form is enclosed with this correspondence.

I serve as court-appointed counsel in probate matters through my contract with the
. In I was appointed to represent in
County Court Cause No. I was initially discharged from my role as
court-appointed counsel in as the inpatient authority for guardians was not
renewed.¹

In , I was reappointed as court-appointed counsel after his Co-
Guardians (his sister, brother-in-law and mother) petitioned for their discharge/termination of their
roles.

An initial hearing for the Co-Guardian's *Petition for Termination and/or Discharge* was
held on . A transcript of this hearing is enclosed, as well as the For the Record
Recording.

As it may or may not be apparent based on their names, the family is of descent
and/or origin. Accordingly, they have a This was also known to
Commissioner as was present on video for the hearing, and his father was
physically present in Commissioner's courtroom on . These objective facts
are relevant to this Complaint.

At the hearing, father voiced his position that he would like to serve
as Successor Guardian. The Court began to admonish and/or instruct regarding what he

¹ Probate courts typically discharge court-appointed counsel if the guardianship does not include the guardian's
authority to place a ward in involuntary/locked mental healthcare and treatment facility.

could or could not file under the terms of a series of Minute Entries entered by the prior judicial officer in _____ after I had been discharged as _____ counsel. I began to raise concerns regarding whether such rulings were properly entered or could be construed to apply to _____ desire to serve as Successor Guardian for his son years after, especially in light of my client's support for his father to serve in such a role.

As the Court began to debate my interpretation of the limited nature of the prior judicial officer's rulings, I attempted to cease such argument, stating "_____. I was going to say that I was not the "_____ " in my circus analogy—the Court was. However, before I could finish my sentence, the Court interrupted with the word "_____".

13	: Yes, so --
14	THE COURT: She just ordered that --
15	:
16	--
17	: _____ ?
18	: I wasn't going to say that
19	because I think that's disrespectful, but I think that
20	it's one of those things where I think that my client
21	has expressed that he wants those things.

, Transcript at 12, lines-13-21.

At no point in that hearing did the Court address my concern that referring to the parties in my case was disrespectful.

A hearing was set for _____ petition to serve as Successor Guardian for _____. Based on _____ support for his father to serve as his Successor Guardian, I prepared and filed a *Petition for Appointment of Successor Guardian* nominating _____ father to serve in that role and assisted him in getting all the ancillary paperwork filled out and signed and filed with the Court. I did this to avoid any further arguments from the Court regarding whether _____ petition was to be considered a vexatious or repetitive filing.

I talked to both _____ and _____ ahead of the next hearing, scheduled for _____. I asked _____ if he felt the Court's "_____" reference was offensive to him. He opined that it was, but also that he was worried about stirring up trouble and did not want to jeopardize or have the Court rule against his request to be appointed as his son's Successor Guardian. I assured _____ that although I was not his lawyer, I would assist him in getting his appointment squared away.

At the _____, hearing, the Court seemed to be very patronizing toward _____. The For the Record Recording of this hearing is enclosed with this correspondence. Furthermore, the Court raised "concerns" regarding _____ intention to move his son to _____ so he could be closer to _____ home. The Court appeared to assume that

would not be able to obtain appropriate services for his son in _____ —which is clearly contrary to _____ testimony and training as Guardian. Despite these remarks, the Court appointed _____ as _____ Successor Guardian.

I assisted _____ in getting his Letters of Guardian issued after the hearing (the Clerk of Court's issuance of Letters are required to effectuate the appointment of a Guardian). We again discussed the Court's earlier "_____" comment and the Court's patronizing demeanor at the _____, hearing. This culminated with my office preparing the following Declaration for _____, which is enclosed with this correspondence:

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1. I am the father of _____ ("_____"). I have lived in the United States since _____ and have held positions in government and higher education institutions. I was present in the _____ County _____ Court _____ facility in-person for a hearing concerning a guardianship for my son _____ on _____ before Commissioner _____.
 2. _____ and _____ are the duly appointed attorney for _____ in _____ County _____ Court Cause No. _____. I understand that _____ and _____ are solely counsel for my son _____ and are not my attorneys.
 3. During the _____ hearing, my son's attorney attempted to clarify jurisdictional boundaries in the case by stating, "_____" —" before being interrupted by Commissioner _____, who interjected, "_____." This exchange occurred in open court and was audible to all present.
 4. As a man of _____ and with English as my second language, I found it deeply offensive and disheartening when the word "_____" was used by the judicial officer handling my son's case. In my experience, this term has historically

**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.**