

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-117

Judge:

Complainant:

ORDER

July 10, 2025

The Complainant alleged a hearing officer allowed a party to speak when they had previously failed to file a response in a default hearing for a small claims 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 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 Regina L. Nassen, Scott H. O'Connor, and Christopher P. Staring considered this matter.

Copies of this order were distributed to all appropriate persons on July 10, 2025.

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: Re: unfair justice

Caution! This message was sent from outside your organization.

To Whom it May Concern:

This is just how unjust I feel about our (County) Judicial system,

I filed a small claims case, paid all the fees and played by the Courts guidelines and when doing so the respondent NEVER once replied to the court, so I filed for a default judgement without a hearing. A hearing was set, now this whole time the respondent never responded, but once I went to the default hearing the respondent showed up, now the hearing officer told the respondent they were not allowed to speak due to the fact they never responded to any court documents. That didn't last long the hearing officer allowed the respondent to give her version of testimony, the respondent even admitted she has my property and never returned it...But Non the less she was found not responsible for the failure to return my property. So I would consider this theft. Now my point is if I go through the process to file a lawsuit do what I am supposed to do by the courts and the respondent doesn't have to do anything except show up for a default judgement hearing and win the case..and now I can't even pursue it any more. What is wrong with the system??

Where in this world of Justice is Justice?

Case#

Please respond..