

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-121

Judge:

Complainant:

ORDER

July 10, 2025

The Complainant alleged a superior court judge failed to require the opposing party to fill out the correct financial form in a family law 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 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 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.

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

FOR OFFICE USE ONLY

2025-121

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.

Case:
 Petitioner:
 Respondent:
 Court: County Court
 Judge: Hon.
 Contact: Respondent-

This is now the third attempt to rediscuss finances post decree. Honorable Judge is refusing to observe:

17C A.R.S. Super.Ct.Local Prac.Rules, County, Rule 3.5 Formerly cited as AZ ST CT Rule 8.5Rule 3.5. Affidavits Required; Pleading and Practice (1) Forms of Financial Affidavits. There are 2 local forms of financial affidavits as permissible alternatives to the Affidavit of Financial Information in Form 2, Rule 97, ARFLP: (a) a child support financial affidavit; and (b) a spousal maintenance affidavit. Wherever the term financial affidavit is used in this rule, it refers to the relevant court-approved financial affidavit. In any proceeding where the establishment or modification of child support is the sole financial issue, a child support financial affidavit must be filed. In all other proceedings where spousal maintenance or a request for an award of attorney's fees or expenses is at issue, a spousal maintenance financial affidavit must be filed. In all cases a party may choose to use the Affidavit of Financial Information in the Appendix to Rule 97, ARFLP. No filing or appearance fee may be charged for the filing of the opposing party's financial affidavit, unless otherwise provided by law.

As to date the Petitioner in this case has not provided a financial afadavit to support the requirement and ammount for alimony. As per the previously stated law, the petitioner is required to provide such. Have made multiple attempts for Rehearing to allow Honorable the right to resolve issue and have stated such to Hon. will not abide by the statute.

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