

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-122

Judge:

Complainant:

ORDER

July 10, 2025

The Complainant alleged a superior court commissioner made improper and contradictory rulings in a probate 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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025 - 122

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.

SEE ATTACHED

Attorney List

Phone:

Phone:

, Estate Attorney

personal representative and attorney

, Retired Attorney

Phone:

This is a complaint against _____ a Probate Commissioner in _____ County
Arizona _____ Court.

On _____ Comm _____ issued a minute entry asking Counsel for a "Joint Written
Status Report by _____ .

See Exhibit A

Since she had just allowed our attorney to withdraw as counsel and asked for a joint written
status report from counsel, _____ filed a report as his own counsel, to comply with
her minute entry directive on _____ .

On _____ , Comm _____ issued a minute entry in which she apparently did not
recall what she asked for in the _____ minute entry.

See Exhibit B

In the _____ , minute entry she asked for a "Joint" statement from Counsel.
In her _____ minute entry she said the court did not direct _____ and
/or _____ to file anything. This is not true as she wanted a joint report from counsel.
It is difficult to have faith in a system when Comm _____ is inconsistent about what she
asks for.

Estate attorney _____ was directed to file his report on the status of the headstone
even though the headstone approval was agreed upon between the parties well over
years ago. _____ and Personal Representative _____ both agreed that
_____ and I could choose the wording etc. and the estate would pay for it. Over
_____ years ago emails were exchanged which clearly stated our objection to the headstone
proposed by _____ and the one we wanted as Decedents family. _____ and
_____ owed a fiduciary duty to honor their promises about the headstone to _____ and I
who are beneficiaries under the estate. Commissioner _____ is flat out wrong about the
law since it is closet of kin that has priority rights to determine the wording and placement
of a headstone particularly when the next of kin is the legal owner of the gravesite. The
personal representative has absolutely no right whatsoever in the matter. Commissioner
_____ willfully and capriciously ignored the law and email exhibits we attached to our
report which per the will contest was about undue influence, not violating the gravesite
rights of _____ decedents brother. The headstone placed unlawfully by
_____ was objectionable to the family and _____ knew it. He never asked
Permission from _____ to place the headstone and instead _____ coerced
_____ into believing he had the authority to do so. Commissioner
_____ erroneously echoed this same view in her _____ minute entry. This was a clear
abuse of her discretion, and she intentionally ignored the law.

Please find copies of emails attached and our filing that clearly was not read by Comm

COURT OF ARIZONA
COUNTY

HONORABLE

CLERK OF THE COURT

Deputy

IN THE MATTER OF THE ESTATE OF:

DECEASED.



COMM
DOCKET

MINUTE ENTRY

Courtroom -- Courthouse

This is the time set for a virtual Status Conference pursuant to the hearing held on [redacted] Counsel [redacted] is present on behalf of Personal Representative [redacted], whose presence is waived. Counsel [redacted] is present on behalf of [redacted], whose presence is waived. Counsel [redacted] is present on behalf of [redacted] and [redacted] who are not present. No one else appears.

A record of the proceedings is made digitally in lieu of a court reporter.

Counsel [redacted] re-urges his motion to withdraw as counsel for [redacted] and [redacted]

**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.**