

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-133

Judge:

Complainants:

ORDER

July 10, 2025

The Complainants alleged a superior court judge improperly ruled against them in a probate matter when they failed to acknowledge their position that one complainant had never been removed as personal representative and the brother was irresponsible as a personal representative.

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 Complainants 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.

Complaint Cover Letter for Charges of Misconduct
- Lawyer Regulation Department
Arizona Commission of Judicial Conduct

Comp

25-133

Complainants/Witnesses:

Phone:

Respondents/Attorneys:

(Representing Petitioner) (Representing Petitioner)

Phone:

Phone:

Respondents/Judicial Officers:

Commissioner , in the Court of AZ, County
Commissioner , in the Court of AZ, County

Current Case: in the Court of AZ, County
IMO the Estate of

In this case, the record shows that both of the Pro se Complainants, challenging the Petitioner's appointment, were denied their right to have their objections heard through Due Process of law. The record shows that the Petitioner's Counsel changed the case subject twice, manipulated the judicial process to avoid having a status conference, a dispute resolution discussion or an evidentiary trial to address the material facts in dispute, including making claims of falsified damages. The record shows that the Court responded with complicity to Counsel's misconduct, making Rulings without addressing the Complainants challenge and imposing sanctions against them without a description of any violations on their part.

We, the Complainants, have compiled a comprehensive and factually accurate Summary Report of all entries on the case Docket, including transcribed hearing testimony and related events on record, as attached to this Cover Letter, to be used as a reference tool to prove all of these statements to be true. It is apparent that disciplinary action is appropriate, of the legal professionals in this case, for the negligent and intentionally harmful conduct performed by them at the expense of the Complainants. We are ultimately seeking to be made whole through the recovery of the damages incurred by that conduct, and to receive a transparent and true accounting of the Decedent's asset portfolio as requested from the beginning of this case.

Court Docket and Related Events Summary Report

In the Matter of the Estate of _____ **passed away**
Case # _____ **in the** _____ **Court of Arizona,** _____ **County**

Participants:

- Decedent

Attorneys _____ and _____ on behalf of
Petitioner/Devisee
Respondent/Heir _____, Pro se
Respondent/Devisee _____, Pro se

Commissioner
Commissioner
Judge Pro Tempore

Date _____ Description of Event _____

Execution of a comprehensive group of documents by both Trustors:

- The _____ and _____ Revocable Living Trust, appointing _____ to serve as Successor Trustee upon the death of the first Trustor,
- Last Will and Testaments, respectively, appointing _____ as their Personal Representative to administer the Estate,
- General Durable Powers of Attorney, respectively, constituting and appointing _____ as their agent to do all acts as set forth,
- Healthcare Durable Powers of Attorney, respectively, constituting and appointing _____ as their agent to do all acts as set forth,
- Support Document Templates, with specific powers defined in the Trust for the remaining Trustor to amend after the death of the first Trustor.

Death of the first Trustor,

Substitution of Trustee filed. This document attempted to release Trustor _____, due to his death on _____, and replace him with _____. Pursuant to the terms of the *Trust*, this document failed to release Successor Trustee _____, already appointed to serve “

Amendment of the _____ **and** _____ **Revocable Living Trust** was filed. This document amended the *Trust’s* “Distribution of Trust Balance” with relation to personal property, and noted that “should anyone disagree with

this distribution of the residue, they shall forfeit their distribution to the remaining heirs”, making no mention of real property.

Codicil of _____ was filed. _____ is nominated to serve as Decedent’s Personal Representative with _____ being nominated to serve if _____ is unwilling or unable. A provision is noted that “Heirs are to receive the personal property as itemized on the distribution list attached to my will”, including the amended “Distribution of Residue not itemized on the distribution list”. It is repeated that “should anyone disagree with this distribution of the residue, they shall forfeit their distribution to the remaining heirs.” This document does not contain a “No-contest Clause” and no distribution of real property is mentioned.

Death of the second Trustor.

Meeting of _____ and _____ at the Decedent’s home. _____ produced a selectively incomplete set of the Decedent’s original documents, executed in _____, that he repeatedly denied having.

Memorial Service held for Decedent _____ Planned and carried out by _____ . Attended by _____ and _____ and _____ were absent.

Petition for Formal Probate of Will and Appointment of Personal Representative filed by _____ requesting three things of the Court:

- 1) Find the validity of the *Codicil* to be the Decedent’s Last Will,
- 2) Admit the *Codicil* to probate as the Decedent’s Last Will, and
- 3) Appoint _____ as Personal Representative of Decedent’s estate.

Codicil of _____ submitted by _____ as the Decedent’s Last Will, claiming to have no copy of the Decedent’s original *Last Will and Testament*, executed

Certificate of Completion of Personal Representative Training filed by _____

Notice of Initial Hearing filed by Court Administration, giving notice to hear _____ *Petition for Formal Probate of Will and Appointment of Personal Representative* for _____

Response to Petition for Formal Probate of Will and Appointment of _____

Personal Representative filed by _____ noting her priority for the position as Decedent's Personal Representative due to her previous appointment as put forth in the Decedent's original *Living Trust* and *Last Will and Testament*, both executed

. Her prior appointment, together with the absence of notification of her substitution or termination from that position, prompted _____ to make three good faith requests of the Court:

- A) Find that Decedent's original *Last Will and Testament* was validly executed and not revoked,
- B) Admit Decedent's original *Last and Testament* to probate, and
- C) Appoint _____ as Personal Representative of Decedent's estate.

Copy of Decedent's original *Last Will and Testament* submitted by _____

Certificate of Completion of Personal Representative Training filed by _____

Initial Hearing held regarding _____ *Petition for Formal Probate of Will and Appointment of Personal Representative and Response to Petition.*

- The disputed issue before the Court was established by Commissioner introducing discussion as "an Initial Hearing on a petition for appointment of Personal Representative." She began by asking each of six respondents present, in person and by phone, if they were "_____". Five of them responded "_____", one responded as an observer without a position. Commissioner _____ then stated, "_____"
- All objecting parties ordered to file objections in writing by _____ specifying that _____
- All objecting parties ordered to Meet & Confer within 30 days under the direction of Atty. _____ to "_____"
_____, specifying that _____
- A Joint Scheduling Order ordered to be submitted by _____ six days after the due date for objections.

Minute Entry filed by the Court, confirming the orders set forth in the *Initial Hearing*.

Note:

- No Status Conference was ordered to address the forthcoming objections.

Formal Objection to Petitioner's Appointment as Personal Representative of Decedent's Estate timely filed by _____, describing five reasons for probable cause to challenge _____ appointment:

- 1) His dishonesty in handling the Decedent's affairs as a Fiduciary,
- 2) His disregard of the advice of the Decedent's Primary Care Physician, as well as family members,
- 3) His neglect and mishandling of the Decedent's money for her healthcare wishes,
- 4) His lack of stewardship and care regarding Decedent's Memorial wishes,
- 5) His lack of notification of his acceptance of the trusteeship, as well as the attempted substitution of _____ previous appointment as Successor Trustee, as put forth in the Decedent's original *Living Trust* and *Last Will & Testament*.

Formal Objection to Petitioner's Appointment as Personal Representative of Decedent's Estate timely filed by _____, describing two reasons for probable cause to challenge _____ appointment:

- 1) The validity of the *Codicil* due to the lack of notary and the questionability of the witness signatures, and
- 2) The lack of notification by _____ of his role being anything more than the Decedent's fiduciary.

Order of Formal Probate of Will and Appointment of Personal Representative signed by the Court and filed within the window for objections, but was not served to the Respondents as required by law.

Order to Personal Representative and Acknowledgement and Information to Heirs/Devisees signed by the Court and filed within the window for objections, but was not served to Respondents as required by law.

Meet & Confer attended by phone by _____ and _____ with John Even on behalf of _____

- Established issue of proper appointment confirmed by _____ stating, “

?”

- Discussion for the resolution of the established issue of appointment, as ordered at the *Initial Hearing*, was avoided by _____ stating, “

**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.**