

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-176

Judge:

Complainant:

ORDER

August 5, 2025

The Complainant alleged a superior court judge failed to refer allegations made in a protective order matter to law enforcement and the State Bar.

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 August 5, 2025.

2025-176

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.

Commissioner _____ failed to take timely judicial action in a highly sensitive and time-critical Petition for Injunction Against Harassment (Case No. _____), filed by a federally recognized Military Sexual Trauma (MST) survivor and VAWA-protected veteran, _____. The petition was supported by a notarized affidavit, a detailed 15-page Notice of Judicial Referral for Criminal Conduct, and a comprehensive record of retaliatory misconduct perpetrated by Respondent _____—an attorney who publicly disclosed trauma-linked data, minor child identifiers, and sealed records in multiple federal filings.

Despite the presence of documented statutory violations under A.R.S. §§ 13-2921 (Harassment), 13-2923 (Stalking), 13-2409 (Retaliation Against a Victim), and 13-2009 (Aggravated Identity Theft), the Commissioner failed to issue prompt protective relief, refer the matter to prosecutorial authorities, or even acknowledge the grave nature of the allegations. This judicial inaction occurred after the Clerk of the _____ Court stamped the case as received on _____, demonstrating that the petition was formally filed and docketed.

The misconduct complaint also detailed repeated psychological and reputational harm inflicted through legal filings mischaracterizing _____ VA service-connected trauma, prior civil rights litigation, and personal medical history—none of which were relevant to the underlying case. Instead of safeguarding a vulnerable petitioner, Commissioner _____ delay functionally enabled continued exposure, including to _____ minor children, via unsealed public court dockets.

This failure to uphold the court's protective function and statutory mandate under A.R.S. § 12-1809 constitutes not just administrative neglect, but a breach of judicial ethics with foreseeable harm to a protected class member. The situation was further exacerbated by the court's knowledge of Petitioner's status as a former federal board hearing officer and Veterans' Rights Advocate, and by prior court orders affirming his status as a domestic violence victim. All of these facts were properly presented with the original petition and supporting filings.

Commissioner _____ inaction—despite urgent supporting documentation, trauma-linked disclosures, and pending motions for criminal referral—represents a systemic failure to act with impartiality, diligence, and compassion, and has further traumatized a petitioner seeking judicial protection under Arizona law.

Email :

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

Under A.R.S. § 12-1809(E), courts are statutorily required to review such petitions for protective orders “on the same day the petition is filed, or if that is not practicable, on the next court day.” The mandate is unequivocal. The law recognizes that delays in harassment cases exacerbate the risk to victims—especially those already under federal protection. Commissioner failure to observe this mandate constitutes a dereliction of duty that had foreseeable consequences, including continued public exposure of trauma-linked material and the emotional destabilization of the petitioner’s family.

Moreover, the petition incorporated statutory allegations under A.R.S. §§ 13-2921 (Harassment), 13-2923 (Stalking), 13-2409 (Retaliation Against a Victim), and 13-2009 (Aggravated Identity Theft). The accompanying judicial referral requested that the matter be forwarded to the County Attorney’s Office, the Arizona Attorney General, and relevant bar associations. By failing to respond to or even acknowledge this referral, Commissioner abdicated a crucial aspect of his supervisory role over the courtroom’s ethical integrity.

Judicial Canons reinforce this obligation. Rule 2.2 of the Arizona Code of Judicial Conduct demands impartiality and fairness, while Rule 2.5(A) requires a judge to perform all duties “competently and diligently.” These standards are not aspirational—they are binding. As the Arizona Supreme Court held in *In re Bivens*, 435 P.3d 925 (Ariz. 2019), even non-malicious delay in handling protective order petitions may constitute actionable misconduct. The same principle applies in *In re Gonzalez*, 773 N.W.2d 474 (Mich. 2009), where the judiciary recognized that procedural inertia in matters involving vulnerable victims undermines not only the credibility of the court but the safety of the community it serves.

Commissioner inaction also defied Arizona Administrative Directive 2022-07, which prioritizes judicial responsiveness in harassment and stalking matters. The gravity of this case—marked by documented retaliatory conduct, sealed trauma records unmasked on federal dockets, and the targeting of minor children—should have compelled not merely expedience, but urgency. The record before the court was not speculative or unsubstantiated. It contained a robust factual matrix, supported by legal precedent and verified trauma history.

The consequences of this judicial silence were neither abstract nor procedural. The petitioner’s dignity was compromised. His children’s identities were exposed. His federally certified trauma history was paraded through footnotes and court appendices. And the one institutional safeguard designed to halt that parade—the judiciary—stood still.

In sum, Commissioner failure to act represents more than administrative neglect. It is a jurisprudential betrayal of the very principles the court purports to uphold. It warrants disciplinary review and public sanction—not only to address this case, but to affirm that Arizona’s courts remain accessible, accountable, and anchored in justice for all victims, especially those already validated by federal law.

IN THE COURT OF ARIZONA
IN AND FOR THE COUNTY OF

Petitioner,

v.

Respondent.

Case No.: _____

(To be assigned or insert if already assigned)

NOTICE OF JUDICIAL REFERRAL FOR CRIMINAL CONDUCT

Filed Concurrently with Petition for Injunction Against Harassment

(A.R.S. §§ 13-2921, 13-2923, 13-2409; Rule 2.2(a), Ariz. R. Crim. P.)

Petitioner, _____, respectfully submits this Notice pursuant to this Court’s inherent authority and Rule 2.2(a) of the Arizona Rules of Criminal Procedure, requesting referral of the record to the appropriate criminal and disciplinary authorities. The conduct described herein implicates harassment, stalking, and retaliation against a federally recognized victim and his minor children, arising from public disclosures made in the course of legal proceedings. This filing is submitted to protect the dignity of judicial proceedings and to ensure that justice is not undermined through abuse of procedural access.

Submitted by:

Phone:

Email:

Self-Represented Petitioner

Date:

NOTICE OF JUDICIAL REFERRAL FOR CRIMINAL CONDUCT

Filed Concurrently with Petition for Injunctive Relief

Court of Arizona, County

I. INTRODUCTION AND LEGAL AUTHORITY FOR REFERRAL

Petitioner, _____, hereby files this Notice of Judicial Referral for Criminal Conduct pursuant to the inherent supervisory authority of this Honorable Court and under the express referral authority conferred by Rule 2.2(a) of the Arizona Rules of Criminal Procedure. This filing is made in conjunction with Petitioner's Verified Petition for Injunction Against Harassment, and it seeks formal transmission of the underlying record to appropriate criminal investigative and disciplinary bodies.

This is not a collateral request. It is a constitutional imperative—rooted in this Court's duty to preserve the integrity of its own proceedings, to deter the weaponization of legal filings,

**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.**