

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-177

Judge:

Complainant:

ORDER

August 5, 2025

The Complainant alleged a superior court judge improperly made rulings without explanation in a civil matter.

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.

2025-177

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.

I respectfully submit this complaint regarding Judge _____, who is currently presiding over Case No. _____ in the _____ County _____ Court.

I have tangible and documented reason to believe that Judge _____ is not fully reviewing the filings submitted in this case, including legal arguments supported by mandatory authority, procedural history, and undisputed factual representations by both parties. The nature of her rulings—particularly those addressing dispositive issues—suggests they are being issued without adequate judicial consideration.

To be clear, I do not object to one-line rulings for minor or routine matters. Such brevity can be appropriate and efficient in many instances. However, a motion to dismiss under Rule 12(b)(6) carries a significantly higher judicial responsibility, especially when it is used to dispose of a case before discovery or adjudication on the merits.

In this matter, the Court granted dismissal under Rule 12(b)(6) based on the assertion that I failed to plead compliance with Arizona’s Notice of Claim statute. However, my responsive filing—acknowledged in the record—explicitly stated that the notice of claim had been sent, received, and denied, and I included supporting legal authority that such a denial satisfies the waiting period under A.R.S. § 12-821.01(E). The Court’s ruling did not address this statement, did not reference the notice or the denial, and did not explain how the pleading failed to meet the standard of “plausibility” under Twombly or Iqbal. The legal and factual elements I included were ignored, not refuted—raising serious concern that the dismissal was entered without full judicial review.

The Code of Judicial Conduct, specifically Rule 2.2 (Fairness and Impartiality) and Rule 2.5(A) (Competence, Diligence, and Impartiality), requires that judges apply the law and fulfill their responsibilities in a way that upholds confidence in the judiciary. That confidence is undermined when facially valid claims, supported by law and fact, are dismissed without explanation—particularly when the movant is a pro se litigant attempting to comply in good faith with complex rules.

I respectfully ask the Commission to investigate whether Judge _____ is applying appropriate judicial diligence to dispositive motions and whether the lack of engagement with the record in this matter constitutes a violation of judicial ethics and due process.

Sincerely,

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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Attachments: [BLANK Judicial Complaint.pdf](#)

From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Subject: Complaint & Evidence Attached

Caution! This message was sent from outside your organization.

Please find attached complaint and supporting evidence.

Regards,

notice**, and **procedural deficiencies** that rendered the eviction process fundamentally unfair. Additionally, Plaintiff's claims are not barred by **res judicata**, as they involve distinct facts and legal theories from the prior eviction case, and he has fully complied with the **notice of claim requirements** under Arizona law, which was received by Defendant and resolution attempts were denied.

At this stage of the litigation, Plaintiff is not required to prove his case but only to allege facts that, if true, would entitle him to relief. The allegations in the complaint are more than sufficient to meet this standard. Dismissal at this juncture would deprive Plaintiff of the opportunity to develop the factual record through discovery and present his case on the merits.

For these reasons, Plaintiff respectfully urges the Court to **deny Defendants' Motion to Dismiss** in its entirety and allow this case to proceed to discovery, where the full extent of Defendants' unlawful conduct can be uncovered and addressed.

In the alternative, the court should consider simply staying the proceedings. The federal lawsuit is closely connected to the set of facts for this case, and there is a possibility that the case may affect and even resolve this case. Regardless, dismissing with prejudice is wholly inappropriate.

**PLAINTIFF'S RESPONSE TO DEFENDANT'S
12B6 MOTION**