

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-207

Judge:

Complainant:

ORDER

October 2, 2025

The Complainant alleged a superior court commissioner improperly upheld an order of protection.

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 October 2, 2025.

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

FOR OFFICE USE ONLY

2025 - 207

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.

To Whom It May Concern,

I am filing a formal complaint against the Honorable who presided over a hearing in case number on regarding an Order of Protection filed by (Plaintiff) against (Defendant).

Background

The Order of Protection was initiated on and signed by Hon. Below are quoted excerpts from the Plaintiff's original filing, presented exactly as submitted:

"
"
"
"

Hearing Summary

At the two-day hearing:

The Plaintiff and her witnesses failed to establish that the Defendant had intentionally, knowingly, or recklessly caused physical injury, threatened imminent physical harm, or engaged in any behavior meeting the legal definition of domestic violence under A.R.S. §13-3601.

One witness stated that the Defendant was ""; others referenced him using the word "" while attempting to open a door. No testimony or evidence indicated that the Defendant ever threatened or assaulted the Plaintiff.

The Defendant submitted a detailed 15-page written response and supporting documentation, including character evidence and responses to each accusation.

The Defendant—who is not a lawyer—invoked his First Amendment rights under the U.S. Constitution, emphasizing that the accusations were based solely on verbal exchanges and not on threats or violent conduct. Judge dismissed this argument, reportedly stating that it was

"without

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further legal explanation.
Despite the lack of qualifying evidence and the Defendant's constitutional arguments, Judge ruled in favor of the Plaintiff.

Concerns
I respectfully submit that Judge _____ conduct during the proceedings raises the following concerns:

Disregard for Legal Standards
Judge _____ issued an Order of Protection without sufficient legal basis, contrary to the evidentiary requirements under Arizona law. This suggests a failure to apply the law fairly and properly (see Rule 2.2, Rule 2.4, Arizona Code of Judicial Conduct).

Dismissal of Constitutional Arguments
The Defendant raised legitimate First Amendment concerns, which were summarily dismissed. The court failed to address whether verbal exchanges—without threats—qualified as grounds for an order that restricts speech and movement. This undermines Rule 1.1 (compliance with the law) and raises due process issues.

Enabling Abuse of Process
By granting the protective order under these circumstances, Judge _____ enabled the Plaintiff to weaponize the court process to restrict family members from accessing their shared elderly mother. This contradicts the mission of the Arizona judiciary to resolve disputes fairly, efficiently, and equitably.

Violation of Judicial Oath
Under Article 6, Section 26 of the Arizona Constitution, each judge must support the Constitution and "faithfully and impartially discharge the duties" of their office. Judge _____ ruling appears to fall short of this constitutional obligation.

Request for Investigation and Relief
I respectfully request that the Arizona Commission on Judicial Conduct review this case for potential violations of the Arizona Code of Judicial Conduct and determine whether Judge _____ actions warrant disciplinary review.