

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-301

Judge:

Complainant:

ORDER

October 2, 2025

The Complainant alleged a superior court commissioner improperly denied a motion to appear telephonically for a protective order.

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 Choose an item 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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-301

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.

Based on the continued harassment from the defendant after the Order of Protection was granted on [redacted] I did not feel safe attending the court hearing scheduled for [redacted] @ [redacted] in person. I submitted a motion to attend telephonically citing that I was fearful that the defendant would follow me home after taking great care to ensure that I was at a confidential address where I could no longer be located by the defendant. She has stalked and harassed me in the past and my concern that she or someone would follow me home. My Motion to Appear Telephonically was denied with the reasoning being that there was security available at all court facilities as well as deputies from [redacted] County. The [redacted] Court Center is a large open space upon entering and both parties were told to arrive 15 minutes prior to the hearing. That did not feel safe to me. I uploaded [redacted] pieces of evidence that were not even considered, in addition to a timeline and explanation as to why I did not feel comfortable attending the hearing in person. There was no reason why I could not have attended telephonically, and I am saddened that the victim is not made allowances for based on how they feel-not what makes sense to the presiding judge. The Order of Protection was dismissed just because I did not show up in person. I took hours upon hours to make sure all evidence was submitted to the courts. That was my testimony and now I am no longer safe because the commissioner dismissed the case when I attempted to attend by phone. It's not as if I did not attempt to attend by phone nor submit documentation.