

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-309

Judge:

Complainant:

ORDER

October 30, 2025

The Complainant alleged a superior court judge made improper legal rulings and failed to give proper notice of a hearing.

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 Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. The Commission reviewed all relevant available information 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).

Commission members Denise K. Aguilar, Colleen E. Concannon, and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 30, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-309

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.

In a unannounced hearing with Chief Judge [] which was intentional to deprive [] her right to under Notice of Hearing, insufficient notice a due process requires that defendant receive notice of Hearings that is reasonably calculated to reach them. ARS § 41-101e1, violation for insufficient notice of hearing by the Court, the State and [] to the defense team for preparation of defense and rebuttals.

As judge [] proceeded with the hearing. The Motion the defendant had filed was USCA § 144 disqualifying a judge for bias or prejudice. This particular Motion was for judge [].

USCA § 144 is a federal governing law. Which judge [] altered to a state Statute Rule 10.1.

USCA § 144 and USCA § 544 disqualifies a judge, and a judge is to be assigned prohibited for further proceeding by the disqualified judge. The federal governing laws are clear, where State Rule 10.1 and Rule 10.2 contradict federal governing laws by allowing the possibility that the disqualifying judge to remain on the proceedings. Judge [] abuse her discretion, violate Code of Judicial Conduct Canon 3 Subch. (A)(4)(C), 17 ARS Sup. Ct. Rules, Rule 81 Code of Judicial Conduct Canon 1, Rule 1.2(3)(5), Canon 2, Rule 2.1, 2.2, 2.3(A)-(C), Canon 3, (E)(1)(a) Rule 10.1(b)(2), and Rule 10.2(b)(d).

A Rule 10.1 was filed and A Special Action was also filed in the multiple violations to the above but not limited to violations of the defendant due process, Civil, statutory, and Constitutional rights that was maliciously violated by Judge [] and Judge [] In case []

In Bergeron v. O'Neil (8 other judges in [] and [] (ca), 205 Ariz. 640, 74 P.3d 952 (2003) Mandatory language of Criminal Procedure ruling governing changes of judges upon request did not permit judge to question or deciding change about notice and assigning a case to different judge, nor did it permit court to exercise it's own discretion in deciding whether to make required reassignment. The rule states that once party filed notice, a judge shall immediately resign action. 16 A ARS Crim. Proc. Rule 10.2(b) & court cannot inquire beyond answers. The judge is to be reported to the Gilbert Prosecutor's office v. Hon. Foster 245 Ariz. 15, 424 P.3d 416 (2018) County. Contradicting governing laws.

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Phoenix, Arizona 85007

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COMPLAINT AGAINST A JUDGE

Name: _____

Judge's Name: Chief Judge

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.

also Anonymous v. Hon. Ben Birdsall (Pima Co), 14 Ariz. App. 502, 484 P.2d 655 (1973) A Special Action requesting court judge be prohibited from proceeding. Judge continued and still proceeded to rule on behalf of judge in minute entry. The affidavit for bias and prejudice works as an automatic disqualification. "Gross Unfairness" and "Unlawful Motivation" USCA Const. Amend. 14

In Bostock v. Clayton County, 140 S. Ct. 1731 it is made clear that legislative history may not be used to contradict unambiguous text. The no elephant-in-the-house-ban recognizes that Congress does not alter the fundamental details of a regulatory scheme in vague terms.

A conviction was reversed, and the prosecution was directed to be dismissed on the ground that the state statute conflicted with Federal statute, re California v. Zook, 69 S. Ct. 841 (1949)

States are precluded from regulating conduct in the field of Congress. State laws are preempted when they conflict with federal laws. State law does not supersede. Re Arizona v. United States, 132 S. Ct. 2492 (2012)

A judge to whom case is assigned should recuse themselves and take appropriate steps to have case assigned to another judge, 17A ARS Sup. Ct. Rules Rule 81, CTC, Canon 3 subd (b) (4) in State of Ariz. Hon. Corbin Attorney General v. Maricopa County Hon. Wilkinson, 155 Ariz. 560, 748 P.2d 1184 (1987)

The Complainant respectfully requests that the complaint and a immediate investigation based on the above fact finding give support to claim on the dates and County against Chief of the courts of the

The defendant filed the Special Action, Ar. Case No. Rule 10.1 on judge that is still pending and one

The Complainant respectfully request that proper disciplinary action be brought against judge for the above violations.

****NOTE: If you have not already spoken with an attorney in the Attorney/Consumer Assistance Program you may wish to call BEFORE submitting this form

OF ARIZONA CHARGE AGAINST A LAWYER

NAME AND ADDRESS OF CONSUMER	NAME AND ADDRESS OF LAWYER <i>County A-Z. Courts</i>
Telephone No. Email address:	Telephone No.

1. Did or does this lawyer represent you?

YES NO

If "YES", provide the approximate dates the lawyer represented you, and the amount, if any, paid to the lawyer.

If "NO", how did you come into contact with this lawyer?

County Court

2. Do you currently have a lawyer other than the one named in this charge form?

YES NO

If "YES", provide your lawyer's name and address.

Advisory Counsel / Consumer is self representation / pro-per

3. If your charge is about conduct in a lawsuit, provide the following information:

Case number of the lawsuit: _____

Title of the lawsuit (for example, *Smith v. Jones*): _____

Name of court (for example, Superior or Municipal Court, and name of county of city): _____

PHONE:

+ FAX:

+ PUBLIC:

MEMBERS:

Approximate date the lawsuit was filed: _____

What is your connection to the lawsuit (for example, plaintiff or defendant)? _____

4. Is the lawyer in possession of money or other property (for example, your original documents or client file) that you believe should be returned to you?

YES

NO

If "YES" please identify the money or property *and include any written fee agreement*:

5. What type of legal work was/is involved? (Check all that apply)

- Collections
 Family Law/Divorce
 Criminal Law/traffic Offenses
 Personal Injury
 Immigration
 Worker's Compensation
 General Civil
 Other _____

6. What is the general nature of your charge against the lawyer (Check all that apply and please explain in Section 7 below)

- Delay or lack of diligence
 Failing to Answer letters or phone calls
 Refusing to return your files or papers
 Conflict of interest
 Improper handling of your money or property
 Not keeping you informed of progress on your case
 Not following instructions

Other Abuse of discretion, Rule 81, Rule 10.1, Rule 10.2

7. State your charge in your own words. Before doing so, you may wish to review "Information about Filing a Charge Against a Lawyer." Include all important dates, times, places, and details so that the specific nature of your charge can be understood.

Use additional sheets if necessary. **PLEASE DO NOT USE THE BACK OF THIS FORM.**

PHONE:

♦ FAX:

♦ PUBLIC:

MEMBERS:

Use additional sheets if necessary. PLEASE DO NOT USE THE BACK OF THIS FORM.

On _____ in a unannounced hearing with judge _____ which was intentional to deprive _____ her right to under Notice of Hearing, insufficient notice a due process requires that defendant receive notice of hearing that is reasonably calculated to reach them. ARS 41-106d violation for insufficient notice of hearing by the courts, the state and _____ to the defense team for preparation of defense and rebuttals.

As judge _____ proceeded with the hearing. The Motion the defendant filed was a USCA 144 disqualifying a judge for bias or prejudice. This particular Motion was for judge Justin Beresty.

USCA 144 is a federal governing law which judge _____ altered to a state statute Rule 10.1.

USCA 144 and USCA 544 disqualify a judge, and a judge is to be assigned prohibition for further proceeding by the disqualified judge. The federal governing laws are clear, where state Rule 10.1 and Rule 10.2 contradict federal governing laws by allowing the possibility that the disqualified judge to remain on the proceedings. Judge _____ abused her discretion, violated Code of Jud. Conduct

Canon 3 subd (A)(4) (c) EX(D)(a), 17 ARS Sup. Ct. Rule 81, CTC Canon Rule 1.2 (3)(5) Canon 2, Rule 22, Rule 2.3(A)(C), Rule 10.1(b)(2), Rule 10.7(b)(d) Rule 43, Rules of Prof. Conduct, ER 1.3, ER 3.2, ER 3.3(a)(4), ER 4.1(a), ER 5.5, ER 8.4(c) unauthorized practice of law, deceit, fraud, misrepresentation included.

A Rule 10.1 and A Special Action was filed in multiple violations to the above but not limited to violation of the defendants due process, civil, statutory and Constitutional rights that was malicious and vindictive in violation of by Judge _____ and judge _____ In case

In Bergeron v. O'Neil (8 other judges in _____ and _____ (a.), 205 Ariz. 640, 74 P.3d 952 (2008) mandatory language of criminal procedure ruling governing changes of judge upon request did not permit judge to question hearing charge about notice and assigning case to different judge, nor did it permit court to exercise its own discretion in deciding whether to make requested

I understand that most written charges against lawyers eventually become a public record. I understand that all information on this form, including my name and address, will be available for review by the lawyer and others who may view the file. This charge form and other submissions by me will be sent to the lawyer.

DATE: _____

SIGNATURE: _____

Print/Type Name: _____

SUBMIT COMPLETED FORM TO:

PHONE:

FAX:

PUBLIC:

MEMBERS:

**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.**