

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-488

Judge:

Complainant:

ORDER

January 23, 2026

The Complainant alleged a superior court judge made improper legal rulings and failed to act on attorney misconduct in a civil case.

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 Michael J. Brown, 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 January 23, 2026.

Complaint of Judicial Misconduct
Against
Judge

Submitted to: **Arizona Commission on Judicial Conduct**
Submitted by:

Case No.

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Opening Statement

I am no longer a party to the underlying litigation. I file this complaint solely to inform the Commission of serious misconduct by Judge . His actions — including threats, repeated violations, and collaboration with counsel to withhold evidence — forced the plaintiffs to abandon their case.

This complaint is submitted not to revisit that litigation, but to ensure accountability and protect the integrity of the judicial system for future litigants, especially those who appear without counsel.

Part I. Failure to Enforce Disclosure Rules & Misstatement of Rule 37

A. Judicial Indifference and Denial of Motions

Plaintiffs filed four notices and three motions identifying Defendants' failure to comply with their disclosure obligations under **Rule 26.1**. Despite the plain requirement that disclosures must be made within 30 days of the first responsive pleading (**Rule 26.1(f)**), Judge repeatedly denied Plaintiffs' motions as "premature," including rulings issued more than two months after the disclosure deadline had passed.

Instead of acknowledging Defendants' failure to timely disclose, Judge adopted defense counsel's mischaracterizations and refused to apply the sanctions expressly authorized under **Rule 37(a)(3)(A), 37(c)(1)–(2), and 37(d)**. This pattern deprived Plaintiffs of meaningful access to the disclosure process and created a procedural vacuum in which Defendants faced no accountability.

B. Verbal Refusal to Enforce Disclosure Deadlines

During the **Case Management Conference**, Plaintiffs raised the issue that Defendants' initial disclosure was filed days late without leave of court and omitted critical witnesses. Judge responded:

“

.” (Exhibit 3)

This statement directly contradicted **Rule 26.1(f)**, which requires disclosures of all known facts and witnesses' disclosures within 30 days, and excused Defendants' noncompliance. Rather than enforcing the deadline, the Court minimized the violation and moved on to unrelated matters, effectively nullifying the rule.

C. Falsification of Rule 37

At the same CMC, Judge stated:

“

.”

This assertion is demonstrably false. **Rule 37(c)(1), (2), and (4)** explicitly define failure to timely disclose, incomplete disclosure, or evasive disclosure as violations subject to sanction. By denying that Rule 37 had been violated, Judge attempted to replace the plain language of the rule with his own version, which excused Defendants' misconduct.

This misstatement of law was not a neutral error. It was a coercive attempt to force a **falsified interpretation of Rule 37** upon a pro se litigant, undermining both the fairness of the proceedings and public confidence in the judiciary.

Judicial Conduct Violations:

Rule 1.1 – Failure to comply with the law

Rule 2.2 – failure to uphold the law impartially.

Rule 2.5(A) – failure of legal knowledge and preparation.

Rule 2.6 (A) – failure to ensure the right to be heard without intimidation.

Rule 1.2 – undermining public confidence by misrepresenting the law in open court.

Rule 2.15(B) and (D) – failure to take action upon reliable information of attorney misconduct.

D. Conclusion

Through repeated denials of valid motions, verbal refusal to enforce the 30-day disclosure deadline, and an outright falsification of Rule 37, Judge _____ demonstrated a pattern of indifference and distortion of the law. These actions undermined Plaintiffs’ right to disclosure, shielded Defendants from accountability, and violated the core duties of impartiality, competence, and integrity required under the Arizona Code of Judicial Conduct.

Part II. Disregard of Rule 26.1(g) and Rule 37(c)(1)

Rule 26.1(g) Requirement

Rule 26.1(g) provides in unambiguous terms: “

_____.” Despite this mandatory requirement, Judge _____ allowed the case to proceed even though Defendants’ disclosures contained **no sworn statement**, rendering them legally invalid.

During the _____ Case Management Conference, Judge _____ went further. When Plaintiffs raised the absence of a sworn disclosure, the Court asserted that “_____” would suffice. In so doing, Judge _____ effectively **announced on the record that Rule 26.1(g) was inapplicable**. This was not oversight; it was an alteration of the rule’s substance from the bench.

Rule 26.1(f) Deadline and Rule 37(c)(1) Consequences

Under Rule 26.1(f), initial disclosures must be served **within 30 days after the first responsive pleading**. Any information or witness known at that time but omitted from the disclosure is, by operation of law, untimely.

Rule 37(c)(1) prescribes the consequence in mandatory terms: a party who fails to disclose required information “*may not use that information as evidence at trial, at a hearing, or in support of a motion*” unless the Court finds the failure harmless or supported by good cause.

This structure leaves no gap for judicial discretion. Exclusion of undisclosed evidence is the default rule. The Court may excuse the failure upon a showing of harmlessness or good cause, and it may decide whether to impose **additional sanctions** (such as attorney’s fees). But the Court has no authority to erase or postpone the effect of the exclusion itself.

Judicial Misrepresentation on the Record

At the CMC, Judge _____ told Plaintiffs:

“_____.”

This statement was legally inaccurate and misleading in two ways:

1. **Reducing a rule to “belief.”** The validity of disclosure does not depend on Plaintiffs’ belief. The rules themselves define validity. Without a sworn statement, disclosure is legally nonexistent under Rule 26.1(g). Without timely disclosure, exclusion is automatic under Rule 37(c)(1).
2. **Portraying exclusion as purely discretionary.** The judge’s statement suggested exclusion was a matter of judicial choice at a later date. In fact, exclusion is the automatic baseline, and the Court’s only discretion is whether to relieve the non-disclosing party if it proves harmlessness or good cause. (Exhibit 3)

Impact of Judicial Nullification

By reframing Plaintiffs’ reliance on the Rules as a subjective belief and postponing enforcement

indefinitely, the Court nullified the mandatory protections of 26.1(g), 26.1(f), and 37(c)(1). This allowed Defendants to proceed with unsworn, untimely disclosures as though compliant, while depriving Plaintiffs of the safeguards against false or ambush evidence that the Rules guarantee.

Judicial Conduct Violations

Rule 1.1 – Failure to comply with the law

Rule 2.2 – failure to uphold and apply the law as written.

Rule 2.5(A) – lack of competence in applying the plain text of Rules 26.1(g), 26.1(f), and 37(c)(1).

Rule 2.6 – denial of Plaintiffs’ right to meaningful enforcement of disclosure rights.

Rule 1.2 – undermining public confidence by announcing clear procedural rules to be inapplicable.

Rule 2.15(B) and (D) – refusal to act upon reliable information of attorney misconduct when Defendants filed unsworn and untimely disclosures.

Part III. Ruling: Restricting Access & Adopting Counsel’s Language

On _____, Judge _____ issued a ruling that both restricted Plaintiffs’ ability to access the courts and revealed undue influence from defense counsel. These two aspects, though arising from the same order, demonstrate distinct violations of judicial duty.

A. Restriction of Plaintiffs’ Access to Justice

In the _____ ruling, the Court adopted defense counsel’s request to impose restrictions that limited Plaintiffs’ ability to pursue proper motions and obtain relief under the Arizona Rules of Civil Procedure. The specific language “

_____” By granting a request designed to curtail Plaintiffs’ right of access, the Court disregarded **Rule 2.6 (Ensuring the Right to Be Heard)** and **Rule 1.2 (Promoting Confidence in the Judiciary)**. (Exhibit 1)

The effect was to restrain Plaintiffs from making use of the procedural mechanisms provided by Rules 26.1 and 37, thereby undermining fundamental fairness and impairing their right to meaningful participation in litigation.

B. Improper Judicial Adoption of Defense Counsel’s Language

The _____ ruling also reflected an improper degree of reliance on defense counsel’s submissions. Portions of the ruling closely tracked the defense’s language, effectively quoting or paraphrasing counsel’s arguments instead of applying the Court’s independent analysis. This demonstrated that the Court permitted counsel’s advocacy to exert undue influence over its decision-making, contrary to **Rule 2.4(B)**, which prohibits a judge from allowing external influence to affect judicial conduct.

By adopting counsel’s language as judicial reasoning, Judge _____ compromised the appearance of impartiality and failed to uphold **Rule 2.2 (Applying the Law)**. This alignment of the Court’s ruling with defense counsel’s phrasing eroded confidence that decisions were grounded in law rather than advocacy.

Judicial Conduct Violations:

Rule 1.1 – Failure to comply with the law

Rule 2.4(B) – permitting external influence on judicial conduct.

Rule 2.2 – failure to apply the law impartially and independently.

Rule 1.2 – undermining public confidence by adopting partisan reasoning as judicial authority.

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