

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-596

Judge:

Complainant:

ORDER

February 20, 2026

The Complainant alleged a superior court hearing officer failed to provide ADA required accommodations.

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 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 member Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 20, 2026.

From:

Sent:

To:

Cc:

Subject: Re: Case No.:

Caution! This message was sent from outside your organization.

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Subject: Re: Case No.: – ADA Complaint Response

Good afternoon,

I am writing as the disabled party in **Case No.** who was cc'd on Court Observer Witness Statement and on your response stating only, “ ”

For the record, this email is to notify you that:

1. The underlying ADA violations occurred on , while the case was **active**, and
2. Your refusal to process or route the ADA complaint on the basis that “ ” constitutes a **separate, second violation of my ADA rights** under **Title II of the ADA** and its implementing regulations.

Under **42 U.S.C. §§ 12131–12134** and **28 C.F.R. Part 35**, the court's ADA obligations attach to the **programs and services of the court**, including hearings, protective-order proceedings, and any related processes. These obligations **do not disappear** because a case is later marked “ ”, nor do they excuse the court or County ADA office from receiving, processing, and investigating ADA complaints about what occurred while the matter was active.

Further, dismissing a properly submitted ADA complaint with “ ” instead of processing it is inconsistent with:

- **28 C.F.R. § 35.160(a)–(b)** (effective communication and auxiliary aids/services),
- **28 C.F.R. § 35.130(b)(1)(iii)** (methods of administration that defeat or impair rights),

and

- **28 C.F.R. § 35.134(a)** (prohibition on retaliation, coercion, or interference with any individual exercising ADA rights).

Because **civil penalties under 42 U.S.C. § 12188(b)(2)** are up to **for the first violation** and **for each subsequent violation**, I must treat your response as a second, independent violation:

1. the original denial of accommodations and ADA advocate participation on _____, and
2. the present refusal to acknowledge or process the ADA complaint on the grounds that the case is “_____.”

Accordingly, I respectfully request that you:

1. **Confirm in writing** that this email is being treated as a **formal ADA grievance** concerning both (a) the conduct in _____ on _____, and (b) your initial refusal to process the witness statement.
2. **Identify the designated ADA Coordinator** for _____ County _____ Court and provide the **official written ADA grievance procedure** (including any forms, timelines, and appeal steps).
3. Provide the **appropriate reporting channels and contact information** for the oversight bodies listed in _____’ correspondence so that I may also file directly with them, specifically:
 - _____, **Civil Rights Division**
 - **Arizona Attorney General – Civil Rights Section**
 - **County ADA / Civil Rights Office**
 - **Arizona Commission on Judicial Conduct**
 - _____ (_____) – **ADA Compliance Unit**

Please treat this matter with the seriousness required by **Title II of the ADA** and respond with the requested information and confirmation that my ADA complaint is now being properly processed.

Sincerely,

On _____, at _____, _____ < _____ > wrote:

EMAIL TO THE COUNTY ADA OFFICE / _____ COURT ADA

COORDINATOR

Subject: ADA Civil Rights Complaint – Failure to Provide Mandated ADA Accommodations in Case _____ (Active at Time of Violations)

Good afternoon,

I am submitting this notice to the County ADA Office regarding a serious ADA Title II violation committed by the _____ County _____ Court in connection with Case No. _____, judicial officer Hon. _____, on _____.

I am attaching MY formal Court Observer Witness Statement submitted by myself _____, which was dismissed by the _____ County ADA with the response:

“ _____ ”

This response is unlawful and does NOT eliminate the court’s ADA compliance obligations for the following reasons:

1. ADA Obligations Apply Regardless of Case Status

Under Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131–12134), a court must comply with ADA accommodation requirements during any point in which a litigant is interacting with or participating in court proceedings, including:

During hearings

During appeals

During protective-order proceedings

During any period where a party is actively engaged in court processes

On the date the violations occurred (_____), the case was active. Thus, ADA compliance was mandatory at the time and cannot be retroactively dismissed.

2. ADA Title II Regulations Violated

The court violated the following provisions:

28 C.F.R. § 35.160(a)(1)

Courts must provide effective communication with individuals with disabilities in all programs and proceedings.

28 C.F.R. § 35.160(b)(1)

Courts must provide necessary auxiliary aids and services, including:

Captioning

Communication access

Assistive participation through an advocate

28 C.F.R. § 35.160(b)(2)

Courts must give primary consideration to the person's requested accommodation.

28 C.F.R. § 35.130(b)(1)(iii)

A public entity may not use criteria or methods of administration that have the effect of defeating or impairing the person's rights.

28 C.F.R. § 35.149–35.151 – Program Access Requirements
Arizona State Equivalent:

Ariz. R. Civ. P. 9(i)

Courts must provide accommodations and ensure equal ability to participate.

3. Denial of ADA Advocate – Direct Violation

The witness statement confirms that:

The ADA advocate was initially denied entry.

Once admitted, the advocate was prohibited from speaking, even in a supportive or assistive capacity.

The judge ignored all ADA accommodation requests.

This directly violates Title II of the ADA and 28 C.F.R. § 35.160, which obligates courts to permit necessary communication assistance.

4. Retaliatory or Dismissive “ ” Response is Prohibited

The ADA prohibits retaliation and discouragement under:

28 C.F.R. § 35.134(a)

No public entity may intimidate, threaten, coerce, or retaliate against anyone attempting to secure ADA accommodations.

Dismissing a legally-valid complaint with “the case is closed” is not legally permissible and constitutes:

Failure to acknowledge a civil rights complaint

Failure to investigate

Improper attempt to avoid federal ADA liability

5. Federal Penalties Apply

Per 42 U.S.C. § 12188(b)(2)

Civil penalties for public entities are:

for the first ADA violation

for each subsequent violation

The violations in this case include:

**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.**