

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-076

Judge:

Complainant:

ORDER

April 21, 2026

The Complainant alleged a superior court judge improperly classified a request for public records as a pleading.

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 member Delia R. Neal did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 21, 2026.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2026-076

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.

SEE ATTACHED

ARIZONA COMMISSION ON JUDICIAL CONDUCT

1501 W. Washington St., Suite 229

Phoenix, AZ 85007

Judicial Conduct Complaint

Complainant:

Authorized Representative of the
Estate of

Judge Complaint Of:

County Court
Facility-

I. INTRODUCTION

This complaint concerns improper judicial conduct by Judge _____ who issued minute entries denying my public records request that I submitted solely to the _____ County Court Clerk's Office pursuant to **ARS §39-121 et seq.** and Arizona Supreme Court **Rule 123**. The judge characterized my administrative request as an improper "ex parte filing" and directed me to send the request to the Attorney General and the _____ despite having no legal authority over the processing or adjudication of administrative records requests.

This action constitutes misuse of judicial authority, interference with my statutory right to public records, and a violation of the ethical duties imposed by the Arizona Code of Judicial Conduct.

II. FACTUAL BACKGROUND

1. On _____ I submitted a notarized public records request to the Clerk of the Court – Custodian of Records and other agencies seeking dependency-related court records from cases _____, and _____.
2. The request was not filed on any case docket; it was sent administratively by fax directly to the Custodian of Records consistent with **Rule 123(c)(1)**, which assigns all custodial responsibility for public records to the Clerk, not the judiciary.
3. On _____ Judge _____ issued a minute entry within the underlying dependency case _____ purporting to:
 - Deny my administrative public records request,

- Label it an “ex parte filing,” and
 - Instruct me to submit my request to the Attorney General and _____ agencies that are not custodians of court records and have no statutory obligation to provide the documents I requested.
4. Again, on _____, Judge _____ issued a second minute entry within the underlying dependency case _____ rejecting my request as improper claiming it failed to provide notice to the Attorney General’s Office and the _____.
 5. I never filed the public records request as a motion, nor did I ask the judge to take any action. These minute entries were unsolicited and represented an intrusion into administrative processes governed exclusively by statute and court rule.
 6. The judge’s intervention created a false legal barrier to accessing records and appears designed to discourage or obstruct further requests.
 7. I have filed a Petition in _____ Court (**Attached**) seeking judicial review of the denial of public records by several agencies, including the Clerk’s Office. These improper minute entries forms part of that litigation record.

III. LEGAL AND ETHICAL VIOLATIONS

A. Judicial Canons Violated

Canon 1 – Promoting Confidence in the Judiciary

A judge must uphold and promote the independence, integrity, and impartiality of the judiciary and avoid impropriety.

- By denying a records request outside the judge’s authority, Judge _____ created the appearance of impropriety, undermining public confidence in fair and lawful judicial administration.

Canon 2 – Avoiding Impropriety and Abuse of Office

A judge may not use the judicial office to advance personal, administrative, or institutional interests.

- Denying a request Judge _____ had no authority over constitutes an abuse of judicial position and improper use of judicial power to influence administrative processes.

Canon 2.3 – Bias, Prejudice, and Harassment

A judge must perform duties fairly and without showing hostility or retaliation.

- Characterizing a lawful administrative request as an “ex parte filing” suggests retaliatory tone, hostility toward the requester, and an attempt to mischaracterize conduct to discourage further requests.

Canon 2.9(A) – Prohibition on Ex Parte Communications

A judge must not initiate or consider ex parte communications outside legally permitted exceptions.

- Here, Judge treated a non-filing as an “ex parte” communication and then issued rulings, effectively initiating improper judicial involvement.

Canon 2.11(A) – Disqualification

A judge must disqualify himself where impartiality might reasonably be questioned.

- Interfering with administrative records access suggests bias, retaliation, or a desire to conceal information relevant to judicial actions.

B. Violations of Governing Law and Court Rules

1. ARS §39-121 et seq. – Public Records Law

Arizona guarantees the right to inspect public records. Courts have consistently held:

- Prompt access is required (*Carlson v. Pima County*, 141 Ariz. 487 (1984)).
- Delay, obstruction, or refusal constitutes constructive denial (*Phoenix New Times v. Arpaio*, 217 Ariz. 533 (App. 2008)).

A judge denying a public records request addressed to the Clerk violates this framework.

2. Arizona Supreme Court Rule 123 – Public Access to Judicial Records

Rule 123(c)(1) states: “The clerk of the court is the custodian of all court records.”

The Rule does not authorize judges to:

- Deny public records requests,
- Reclassify them as motions,
- Issue rulings on them, or
- Redirect them to non-custodial agencies.

Judge action directly conflicts with the Rule’s custodial delegation.

3. Separation of Administrative and Judicial Functions

Arizona case law and court rules preserve the strict distinction between:

- Judicial acts (adjudicating disputes), and
- Administrative acts (records management, clerk duties).

Judge intervening in an administrative process violates this separation and creates a due process concern, particularly where the request seeks records that may reflect judicial or administrative irregularities.

IV. HARM RESULTING FROM THE MISCONDUCT

The judge's improper conduct caused:

- Misrepresentation of my rights under public records law;
- Appearance of retaliation or concealment;
- Administrative obstruction affecting my legal investigation into dependency proceedings;
- Harm to the integrity and transparency of court processes.

V. REQUEST FOR RELIEF

I respectfully request that the Commission:

1. Investigate Judge _____ improper denial of my public records request;
2. Determine whether the judge exceeded judicial authority under **Rule 123**;
3. Determine whether the conduct violates **Judicial Canons 1, 2, 2.3, 2.9, and 2.11**;
4. Issue appropriate disciplinary or corrective action;
5. Provide clarification or guidance to ensure that judges do not interfere with public records requests directed to the Clerk.

VI. ATTACHMENTS

- Exhibit A – Judge _____ minute entries denying my administrative records requests
- Exhibit B – My original public records request to the Clerk of the Court – Custodian of Records
- Exhibit C – Petition filed in _____ Court – Case No. _____

VII. VERIFICATION

I declare under penalty of perjury that the facts stated in this complaint are true and correct to the best of my knowledge.

Executed on this _____ day of _____,

/s/ _____
Authorized Representative of the
Estate of _____

**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.**