

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-160

Judge:

Complainant:

ORDER

June 2, 2026

The Complainant alleged a superior court judge improperly dismissed a civil action.

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, Michael J. Brown, and Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on June 2, 2026.

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

FOR OFFICE USE ONLY**2026-160****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.

I. Short introductory statement

I respectfully submit this complaint concerning the manner in which my civil case was handled in _____ County Court No. _____. I understand that the Arizona Commission on Judicial Conduct is not an appellate court and cannot change the result of my case. I am not asking the Commission to overturn the dismissal, vacate the judgment, or revisit the Court's affirmation or the Arizona Court's denial of review.

My concern is narrower. I ask the Commission to review whether the procedural handling of this matter by the assigned superior court judge created an appearance of unfairness, procedural imbalance, and diminished confidence in the impartial administration of justice, particularly as to the right to be heard and the handling of an unsigned dismissal order, the move to final judgment, and the award of taxable costs.

II. Factual chronology

1. In _____, I filed a civil complaint against _____ and _____. The Court _____ later described the complaint as alleging professional misconduct, negligence, and intentional infliction of emotional distress arising from _____ role as opposing counsel in a separate family law matter and _____'s communications with me.
2. Defendants moved to dismiss the complaint under Rule 12(b)(6). I filed a written response. Defendants then filed a reply. According to the superior court's _____ minute entry, the court had "_____ the motion, response, and reply before granting the motion to dismiss.
3. On _____, the _____ court issued an unsigned minute entry granting the motion to dismiss. The same order authorized Defendants to apply for taxable costs and directed them to submit a proposed form of judgment.
4. After that order, Defendants submitted a verified statement of costs. I filed an objection to the requested costs.
5. On _____, the court entered a signed Rule 54(c) judgment that incorporated the earlier ruling and awarded Defendants _____ in taxable costs.
6. I appealed. On _____ the Arizona Court _____ affirmed. On _____ the Arizona Court denied review.

III. Conduct concerns presented for Commission review

? Procedural ambiguity created by use of an unsigned dismissal order. The _____ ruling was unsigned. Even the Court _____ later acknowledged that the _____ ruling was not itself a final, appealable order or judgment because it was unsigned. My concern is not merely that the order was nonfinal; it is that the unsigned ruling was immediately used as the operative platform for the next steps—costs and a proposed judgment—before a signed judgment existed. To a reasonable self-represented litigant, that sequence created substantial procedural ambiguity about what had actually been decided, what remained open, and how to protect the right to be heard before final judgment was entered.

? Appearance that the matter was moved to final judgment and costs without a meaningful opportunity to resolve the procedural confusion. The _____ order authorized both a costs application and a proposed form of judgment, and the final signed judgment followed on _____. Although I did file an objection to costs, I believed the procedural posture of the case remained unclear because the dismissal ruling itself was unsigned and because the judgment incorporated that ruling by reference. My complaint is that the case-management sequence created the appearance that the matter was being

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rapidly closed in a way that did not adequately address the procedural confusion that had already arisen.
 ? Right-to-be-heard concern in the handling of the motion-to-dismiss process. The Court later

concluded that I had no entitlement to a surreply and that I had not moved for leave to amend. I understand the Commission does not sit to correct legal error. My concern is different: whether, in the circumstances of this case, the handling of the Rule 12(b)(6) process and the immediate shift to final judgment and costs reflected sufficient regard for the practical right of a self-represented litigant to be heard according to law and for the court's obligation to maintain confidence in fairness.

? Appearance-of-impartiality concern. The problem for me is not simply that I lost. The problem is that the sequence of an unsigned dismissal, followed by a proposed judgment and costs process, followed by a signed final judgment, reasonably created the appearance that formality and clarity were being subordinated to speed and closure. Even if each step could be defended as legally sufficient in isolation, the overall handling created an appearance of procedural unfairness and undermined public confidence in the neutrality and care with which the matter was administered.

IV. Code provisions potentially implicated

I respectfully present the following provisions for the Commission's consideration, without claiming that I can determine whether a formal violation occurred:

Rule Reason it is relevant to this complaint

Rule 1.1 A judge shall comply with the law, including the Code of Judicial Conduct.

Rule 1.2 A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 2.2 A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.

Rule 2.5(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.

Rule 2.6(A) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

V. Witnesses and documents

? Complainant

? The court record in , especially the dismissal minute entry and the signed judgment.

? The Court memorandum decision filed in

? The Arizona Court order dated , denying review in

VI. Requested action

I request only that the Commission investigate whether the conduct described above violated the Arizona Code of Judicial Conduct or otherwise created a serious appearance of procedural unfairness and diminished confidence in the judiciary.

I do not request damages, reassignment, or reversal of the judgment. I understand those forms of relief are outside the Commission's authority.

If the Commission concludes that no ethical violation occurred, I still respectfully ask that this statement be read as a good-faith complaint directed to concerns about the appearance of fairness, clarity, and the right to be heard in the handling of this case.

See attachments.

COURT OF ARIZONA
COUNTY

HONORABLE

CLERK OF THE COURT

Deputy

v.

JUDGE

Defendants' Motion To Dismiss

The Court has received and fully considered Defendants and Motion to Dismiss, Plaintiff's Response and Defendants' Reply. After full consideration of all points and authorities contained in the Motion and Reply, the Motion is granted.

Plaintiff, representing himself in a family court case, has brought claims of professional misconduct, negligence and intentional infliction of emotional distress against opposing counsel in the family court case and counsel's paralegal. There is no alleged relationship between Plaintiff and Defendants, professional or otherwise, which would give rise to any duty owed to Plaintiff. To the contrary, the law requires the Court to hold all persons representing themselves to the same standard as a licensed attorney. Parties who choose to represent themselves "are entitled to no more consideration than if they had been represented by counsel" and are held to the same standards as attorneys with respect to "familiarity with required procedures and . . . notice of statutes and local rules." *Smith v Rabb*, 95 Ariz. 49, 386 P.2d 649 (1963); see also *Higgins v. Higgins*, 194 Ariz. 266, 981 P.2d.134 (App. 1999). A party's ignorance of the law is not an excuse for failing to comply with it. *In re Marriage of Williams*, 219 Ariz. 546, 200 P.3d 1043 (App. 2008) citing *Moore v. Meyers*, 31 Ariz. 347, 253 P.2d 626 (1927). Plaintiff claims

COURT OF ARIZONA
COUNTY

that a Notice of Appearance or Substitution of Counsel was improper in the family court case and thereafter he suffered the alleged harms in dealing with opposing counsel.

In ruling on a Rule 12(b)(6) motion to dismiss, the Court will “assume the truth of the well-pled factual allegations and indulge all reasonable inferences therefrom.” *Cullen v. Auto-Owners Ins. Co.*, 218 Ariz. 417, 419 (2008). The Court will grant the motion only if the plaintiff is not entitled to relief “under any facts susceptible of proof in the statement of the claim.” *ELM Ret. Ctr., LP v. Callaway*, 226 Ariz. 287, 289 (App. 2010), *quoting Mohave Disposal, Inc. v. City of Kingman*, 186 Ariz. 343, 346 (1996). The Court will not “speculate about hypothetical facts that might entitle the plaintiff to relief.” *Cullen, id.* at 420. Nor will the Court “accept as true allegations consisting of conclusions of law, inferences or deductions that are not necessarily implied by well-pleaded facts, unreasonable inferences or unsupported conclusions from such facts, or legal conclusions alleged as facts.” *Jeter v. Mayo Clinic Ariz.*, 211 Ariz. 386, 389 (App. 2005). Based upon the record submitted,

THE COURT FINDS that Plaintiff has failed to state a claim for relief against the Defendants pursuant to Rule 12(b)(6), Arizona Rules of Civil Procedure. Therefore,

IT IS ORDERED granting Defendants _____ and _____ Motion to Dismiss filed _____.

IT IS ORDERED that not later than _____ calendar days after the entry of this order, Defendants may apply for an award of taxable costs pursuant to A.R.S. § 12-332. If an application or statement is submitted that Plaintiff wishes to oppose, a response must be filed not later than _____ calendar days after service. Defendants are not permitted to file a reply unless requested to do so by the court.

IT IS FURTHER ORDERED that not later than _____ calendar days after the entry of this order, Defendants must also submit a proposed form of judgment, leaving blank a space for taxable costs. That form of judgment may incorporate by reference what is said here but otherwise should be confined to the amounts being awarded along with Rule 54(b), Arizona Rules of Civil Procedure language.

Filing ID

LAW OFFICES
PROFESSIONAL CORPORATION

E-mail: /Bar No.
Attorneys for Defendants

**IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF**

		NO.
	Plaintiff,	JUDGMENT
vs.		(Assigned to the Honorable
	ESQ.,	)
	Defendants.	

The Court, having granted Defendants' Motion to Dismiss, has now reviewed and considered Defendants' Verified Statement of Costs;

IT IS NOW ORDERED granting Judgment in favor of Defendants
and

IT IS FURTHER ORDERED awarding Defendants their taxable costs in the amount
of _____.

IT IS FURTHER ORDERED that no further matters remain pending, and final judgment is entered in Defendants' favor pursuant to Arizona Rules of Civil Procedure 54(c).

DATED this day of 

The Honorable

**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.**