

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-408

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Judge: John F. Kelliher, Jr.

Complainant: Marilyn Wood

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**ORDER**

The Complainant alleged a superior court judge was unprofessional and made dismissive comments in a family law matter.

Cochise County Superior Court Judge John F. Kelliher, Jr., presided over a family law matter – In re the Matter of Joseph Axle Wood and Marilyn Sue Wood, Case No. DO202300607. At a hearing on September 27, 2024, the Complainant expressed her frustration with the proposed resolution regarding the division of her partner’s business. Judge Kelliher provided his “cowboy wisdom” regarding her feelings or emotions on the issue and made other comments regarding her position. The Commission considered these comments inappropriate, and the Commission found Judge Kelliher’s manner in addressing the Complainant to be condescending. This conduct is part of a continuing pattern of inappropriate and condescending comments in judicial proceedings which has resulted in prior public discipline.

The Commission found such comments violated the following provisions of the Code of Judicial Conduct:

Rule 1.2 which states: “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 2.3 (B) which states: “A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, . . . including but not limited to bias, prejudice, or harassment based upon . . . sex, gender . . .”

Rule 2.8(B) which states: “A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity . . .”

Accordingly, Judge John F. Kelliher, Jr., is hereby publicly reprimanded for the conduct described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaint, the judicial officer’s response, and this order shall be made public as required by Commission Rule 9(a).

Commission member Roger D. Barton did not participate in the consideration of this matter.

Dated: June 9, 2025

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring  
Commission Chair

Copies of this order were distributed to all appropriate persons on June 9, 2025.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-408

**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.

To whom it may concern,

I am writing to formally express my concerns regarding the conduct of Hon John Kelliher during the Resolution Management Conference held on September 27, 2024. My experience during this conference raised significant concerns about the judge's professionalism and impartiality, which I believe compromised the integrity of the proceedings.

Firstly, I was surprised by the judge's inappropriate attire for a court setting. This lack of professionalism set a concerning tone for the proceedings. Furthermore, the judge's decision to leave the room during important discussions demonstrated a lack of engagement and respect for the parties involved.

During the conference, I observed the judge making a lighthearted comment to a security officer, referring to the proceedings as a "game of poker." This comment struck me as insensitive and unprofessional, especially considering the serious nature of the issues at hand.

I felt that the judge was not genuinely interested in helping us reach a fair resolution. For instance, the judge made a determination regarding spousal support without reviewing any evidence or engaging in a meaningful discussion about our circumstances. Additionally, the judge discouraged the idea of going to trial, suggesting it would be a lower priority and more costly in terms of time and resources. This felt dismissive of our need for a fair hearing.

Moreover, I was frustrated by the way I was treated during the conference. When I attempted to express my concerns, I was told that I was only discussing "feelings" and not evidence. In contrast, the petitioner was allowed to speak extensively without interruption. This imbalance in how each party was treated created an impression of bias.

Given these circumstances, I believe that the judge's conduct not only undermined the resolution process but also raised questions about their ability to handle cases impartially. I respectfully request that these issues be addressed to ensure that future proceedings maintain the professionalism and fairness expected in our judicial system.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,  
Marilyn Wood

**John Kelliher**  
Judge  
Division II



100 Colonia De Salud, Suite 203  
Sierra Vista, Arizona 85635

**Superior Court  
Cochise County**

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

Resp (Kelliher)

**MAR 05 2025**

**2024-408**

Re: Notice of Complaint and Opportunity to Respond (Case No. 24-408)

Dear Commission Members:

Please accept this response to the complaint filed by Marilyn Wood, received by my office on February 18, 2025. I intend to respond to the various issues raised by Ms. Woods in the order she has made them.

I have listened to the audio recording of the Informal Settlement Conference held on September 27, 2024, and I have reviewed the file in DO202300607 (Cochise County Superior Court). I do not have an independent recollection of the Informal Settlement Conference.

I dress appropriately with a sense leaning toward "business casual" while at work. I wear a long black robe when in Court. I respect the Court and the Court system. I have never heard or seen a complaint about my dress since taking the bench.

The allegation that I left the room may be accurate. Again, I have no independent recollection of the Informal Settlement Conference. It is not unusual for me to be called away from the bench to address urgent matters. I may have to excuse myself to use the restroom. And there are times in an Informal Settlement Conference when the parties and respective counsel are left to discuss the issues between them.

I do not make decisions in an Informal Settlement Conference unless all parties agree. I try to facilitate a discussion with the aim to resolution short of trial. I do not make legal determinations in an Informal Conferences. My review of the audio recording of the Informal Settlement Conference does not support the assertion that I demonstrated "a lack of engagement and respect to the parties involved." Quite the contrary is/was my impression upon review of that recording. I was sensitive, caring (empathetic) and engaged while maintaining objectivity and neutrality.



**Superior Court  
Cochise County**

I cannot address the allegation that I made a lighthearted comment to the security officer. The recording does not contain that and, again, I do not have an independent recollection of the Informal Settlement Conference. I therefore must deny that assertion.

I respect Ms. Wood's feelings about my perceived disinterest in helping the parties reach a fair resolution. I addressed Ms. Wood about her feelings as the audio recording reflects. I whole heartedly disagree that I was disinterested as is reflected by that same audio recording.

I disagree with Ms. Wood's assertion that I "made a determination regarding spousal maintenance without receiving any evidence..." Again, I do not make legal determinations in Informal Settlement Conferences. I do not review evidence, either.

I am asked from time to time my perspective on spousal maintenance in these Informal Settlement Conference settings. My default response is and has been for some considerable time to refer to A.R.S. § 25-319 and the "two prong" test set forth therein.

I do, generally, discourage parties from going to trial, and for their own best interest, especially when child custody is not an issue. In this case, child custody had already been settled by the parties before coming to the Informal Settlement Conference. The remaining issues involved, quite simply, money.

I almost always share with parties that it is far more cost effective emotionally and financially to resolve their differences short of trial and having a say in that resolution as opposed to having me make a decision that neither would necessarily be satisfied with. 'A thin compromise is much better than a fat lawsuit'.

The issue of a "fair hearing" raised by Ms. Wood is something she and/or her now ex-husband request if they are unable to reach a resolution short of trial. An Informal Settlement Conference is not, technically, a hearing. It is a Conference with no evidence offered and no argument requested or needed. I have the impression that Ms. Wood does not/did not understand this when she penned her complaint.

I believe the audio recording accurately addresses Ms. Wood's issue of her "feelings". I was not dismissive, quite the opposite. I was respectful and sensitive.

I note that as a result of the Informal Settlement Conference held on September 27, 2024, the parties reached a settlement on all remaining issues that fact is supported by the audio recording. A subsequently filed Decree was entered consistent with their agreement.

I include a digital copy of the audio recording with this Response. Should the Commission require any additional information or input from me, please do not hesitate to let me know.

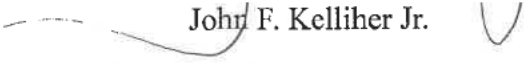
**John Kelliher**  
Judge  
Division II



100 Colonia De Salud, Suite 203  
Sierra Vista, Arizona 85635

**Superior Court  
Cochise County**

Respectfully,

  
John F. Kelliher Jr.  
Judge of the Superior Court  
Cochise County, AZ / Division II