

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-074

Judge:

Complainant:

ORDER

May 23, 2025

The Complainant alleged a pro tem justice of the peace failed to swear in a witness before the testimony and refused to admit evidence in a protective order proceeding. Complainant also claims her appeal was improperly denied because it was past 14 days.

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 allegations of the complaint in this matter solely raised disagreements with legal rulings. The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. "A good faith error of fact or law does not violate this rule. However, a pattern of legal error or an intentional disregard of the law may constitute misconduct." *See* comment 3 to Rule 2.2 of the Code of Judicial conduct. Any violation of the Code of Judicial Conduct must be proven by clear and convincing evidence.

A mistake in a ruling does not automatically mean that the judicial officer has engaged in judicial misconduct. Judicial officers are required to exercise their discretion in making their decisions. Even if a judicial officer's decision is legally or factually incorrect, the ruling is generally considered to be "legal error" and not "ethical misconduct" that the Commission can address. When a complaint to the Commission solely relates to the correctness of a judicial officer's legal decisions, the Complainant is seeking the Commission to function in the capacity of an appellate court. Correcting legal errors is the role of the appellate courts, not the Commission.

The Commission is a regulatory body with limited jurisdiction. The Commission is not a court, and as such, it does not have any authority to overturn a judicial officer's rulings, intervene in a case, assign a new judge to hear a case, or

award any monetary or other relief. The Commission process cannot be a substitute for seeking appellate review.

The Commission reviewed all information submitted by the Complainant 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).

A Duty Panel comprised of Commission members Denise K. Aguilar, Colleen E. Concannon, and Joseph C. Kreamer considered this matter.

Copies of this order were distributed to all appropriate persons on May 23, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-074

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 have ~~added~~ added Attachment

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I have added attachment

IN THE
COURT
STATE OF ARIZONA

- Plaintiff/ Appellant
- Defendant/ Appellant
- Plaintiff/ Appellee
- Defendant/ Appellee

- Petitioner
- Respondent
- Other

Name of Plaintiff/ Appellant,
or Defendant/ Appellant
or Petitioner) Court
)
) No. _____
)
) County
) Court
v.)
) No. _____
)

Name of Defendant/ Appellee,
or Plaintiff/ Appellee)
or Respondent)
)
)
)

BRIEF TITLE:

Name _____
Address _____

Email _____ [Enter email]

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STATEMENT OF THE CASE

(Add additional sheets of paper as necessary to complete this section)

case number;

On _____ by Judge _____ initially granted my request for
 an injunction against my neighbor, _____ due to ongoing harassment
 by her since _____. In her response, _____ contested the
 injunction and requested an injunction from the court against me.

A court hearing was scheduled for _____ with _____. The
 time and presiding judge were changed on _____.
 phone number was listed as my contact, so I did not receive advance notification of
 the change. I was not informed of this change until I arrived at court in the
 morning.

Following deliberation, Judge _____ extended the injunction against
 _____ for one year. She also granted an injunction for _____ against me
 for one year.

**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.**