

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-098

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Judge:

Complainant:

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**ORDER**

The Complainant alleged a superior court judge mishandled multiple family law matters due to a bias against the women in his court.

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 took the extraordinary step of requiring the judge to drive to Phoenix to meet in a consultation with four members of the Commission, two male and two female. After meeting with the judge, the Consultation Panel recommended to the full Commission, and the full Commission agreed, that the judge improperly expanded the scope of at least one Resolution Management Conference and used language that could be perceived as biased against women. While this was improper under Rules 1.1, 1.2, 2.2, and 2.3 of the Code of Judicial Conduct, the Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer to remember his role as a neutral arbiter, to tailor his comments accordingly, and to be mindful of the Rules of Family Law Procedure.

Finally, the Commission recognizes the difficulty for Complainant to bring this complaint to the Commission, to the potential detriment of her law practice. The Commission believes that by bringing these issues to the Commission's attention, the complaint will ultimately help the judge become a better judicial officer over time.

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Dated: February 4, 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 February 4, 2025.

Comp

2024-098

(personal and confidential email)

### JUDICIAL COMPLAINT

Judicial Officer:	
Court:	y Superior Court Division
<b>Pending Case 1:</b>	In Re
Cause No.:	
<b>Pending Case 2:</b>	In Re
Cause No.:	

**I understand the commission cannot reverse court orders or assign a new judge to a case. I affirm, under penalty of perjury, that the foregoing information and the allegations contained in the attached complaint are true and accurate to the best of my knowledge.**

**RESPECTFULLY SUBMITTED THIS            DAY OF**

### Introduction

I, \_\_\_\_\_ have been licensed to practice law in the State of Arizona since \_\_\_\_\_ I practice primarily in \_\_\_\_\_ County, and I practice primarily in the area of family law. \_\_\_\_\_ and the legal community is \_\_\_\_\_. From what I understand, there are \_\_\_\_\_ who primarily oversee the family law calendar, one of whom is Judge \_\_\_\_\_ was appointed by \_\_\_\_\_ on or about \_\_\_\_\_

I do not take lightly making this complaint. However, I firmly believe it is my moral and ethical obligation to do so. I do not represent either party in the matters referenced below, nor do I have a personal relationship with the parties or their families in either case. I do have one case pending before Judge \_\_\_\_\_ which I have not outlined in this complaint, as it may be interpreted as self-serving; however, it was through Judge \_\_\_\_\_ actions in that matter that I became concerned about what appears to be bias and a failure to adhere to Arizona statutes, rules of Court, and case law. I believe the facts outlined herein warrant further review of what appears to be deeper underlying issues, in contravention of the Arizona Code of Judicial Conduct.

### Arizona Code of Judicial Conduct

The Arizona Commission on Judicial Conduct sets forth the Arizona Code of Judicial Conduct (Rev. 2022) (“ACJC”) in four canons as an ethical guideline for Arizona judges. The canons and rules applicable to this Complaint are as follows:

**CANON 1:** A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

#### **RULE 1.2. Promoting Confidence in the Judiciary**

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. (Emphasis added.)

**CANON 2:** A judge shall perform the duties of judicial office impartially, competently, and diligently.

**RULE 2.2. Impartiality and Fairness**

A judge shall uphold and apply the law, and shall perform all duties of judicial office **fairly and impartially**. (Emphasis added.)

**RULE 2.3. Bias, Prejudice, and Harassment**

(A) A judge shall perform the duties of judicial office, including administrative duties, **without bias or prejudice**.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest **bias or prejudice, or engage in harassment**, including but not limited to bias, prejudice, or harassment based upon race, **sex, gender, religion**, national origin, ethnicity, disability, age, **sexual orientation, marital status**, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(Emphasis added.)

**IN RE**

In this case, both parties petitioned the court for modification of parenting time and child support. Judge \_\_\_\_\_ presided over an RMC on \_\_\_\_\_ ARFLP Rule 76 dictates the process and procedures for an RMC. Specifically, Rule 76(c) outlines the acts the court can take at an RMC.

During the RMC, the court granted both parties five minutes to state their positions under oath. See Exhibit 1, Transcript, *In Re* \_\_\_\_\_. The court then read from the parties' existing orders. In response to Father's testimony that Mother withheld parenting time with one of the children during the summer break, Mother testified that one of the minor children was

upset and didn't want to return to Father's home. Mother conferred with the County Sheriff's Department, and they stated that the Minor Child must be returned to Father per the existing orders. However, according to Mother, the Minor Child was refusing to get back in Father's car and was so upset that she didn't know what to do other than take him home. Id. at P.

At this point, Judge posture shifted, he became visibly upset, and his tone changed, stating that Mother's actions were ' ' and that she should have forced the child to engage in parenting time. Id. at P. See Exhibit 2 (Flash Drive), Video Recording, at

Judge then stated: "

?" Id. at P. Video

Recording at (emphasis added).

That statement is untrue. Not only did Judge misrepresent his authority to amend orders at an RMC (absent an agreement by the parties), he also demanded that Mother **acknowledge** this false authority. Judge false statement is objectively a threat to remove the children from Mother and place them with their father for the duration of their minority. Judge statement is not only threatening but deprives Mother of her constitutional right to parent her child, and her due process right to present her case in a substantive way and with ample time at an evidentiary hearing.

The board must review the recording, not just read the transcript, to see the change in behavior. Judge demeanor towards Mother shifts, and his tone changes as he informs Mother of the false authority he claims to have.

After Mother acknowledges his false authority, Judge [redacted] then goes on to berate Mother—with no basis other than Father’s five minute testimony—for poor parenting. He states:

“

” Exhibit 1, P. [redacted] Video Recording, at [redacted]

The court went on to state: “

[redacted].” Such threatening language is intimidating under any circumstance, but certainly has a chilling effect on a pro se litigant. Id. at P. [redacted] Video Recording, at [redacted]

Mother asked Judge [redacted] to interview the children, which he declined to do because “ [redacted] ” Id. at [redacted]

Lines [redacted] Video Recording, at [redacted] This statement is indicative of Judge [redacted] dim view of divorced parents, and his opinion that children of divorce are “ [redacted] ”

This statement is entirely inappropriate under any circumstance, and it is demeaning and hurtful to both parents.

The court went on to make the following finding: “

**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.**