

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-316

Judge:

Complainant:

ORDER

May 8, 2025

The Complainant alleged the constitutional rights of her daughter were violated when a superior court commissioner misapplied family court rules and placed time limits on the presentation of evidence.

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 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 Roger D. Barton and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 8, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2024 - 316

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 am the _____ of the Respondent in the case referenced above. I am also a _____ of _____ years and familiar with legal processes and rules of procedure.

For background, this is a Family Court case. On _____ the Petitioner filed a Notice of Intent to Relocate with the parties' minor child. Judge _____ entered an Order setting the matter for hearing on _____ and the Petitioner filed a Motion to Accelerate the _____ hearing. Judge _____ subsequently ordered the parties to mediation as well as retaking the parenting course. The parties complied and the conciliation court filed the mediation status on _____ - no agreement was reached. Shortly thereafter, on _____ he Respondent fell ill and was life flighted to _____ where it was determined that she would need a _____ due to a _____ At one point, she went from being in _____ to regaining function and being placed in stable condition. At that point, her physicians believed she might be released from the hospital and could go home with the possibility of having more years before she would _____ With this type of mindset from the physicians, the Respondent believed she would be released from the hospital and still be able to attend the _____ hearing. Unfortunately, on _____ the Respondent's _____ began to decline again and she was _____ It was at that time that I advised her that she would need to contact her attorney, _____ and inform her of the situation so that a motion to continue the hearing could be filed. I took care of notifying _____ and on _____ a Motion to Continue Trial was filed. At this point, the Petitioner's attorney began to slander the Respondent, accusing her of acting in bad faith and accused her of orchestrating her health condition, which was ridiculous. Regardless of the lies and accusations told by the Petitioner's attorney, this was the turning point for the improper handling of the case by Judge _____

Initially, Judge _____ rescheduled the hearing to _____ but on _____ the Petitioner filed a Motion for Reconsideration and Motion for Temporary Orders, stating, again, that the Respondent was acting in bad faith with her health. Despite Ariz. R. Fam. Law. Proc. 35.1(b), Judge _____ issued an Order on the Petitioner's Motion for Reconsideration the next day, _____ wherein he granted the Petitioner's Motion for Temporary Orders and set a hearing regarding the same for _____ JUDGE _____ VIOLATED RULE 35.1(b) BY NOT GIVING THE RESPONDENT AN OPPORTUNITY TO RESPOND TO THE PETITIONER'S MOTION FOR RECONSIDERATION PRIOR TO GRANTING THE MOTION FOR RECONSIDERATION.

At the start of the _____ hearing, _____ asked Judge _____ what would be addressed during this hearing because there were pending Motions that she believed needed to be addressed before anything else should be addressed. On top of that, Judge _____ set aside only an hour for this hearing. Judge _____ wasn't clear on what should transpire during this hearing, but ultimately said he would hear testimony after his questioning of the attorneys took place, which, after his questioning and the attorneys' opening statements to the Court, left only 44 minutes - 22 minutes for each side. The Petitioner was called for testimony first, and after cross examination, the Respondent was left with 4 minutes of testimony, which wasn't enough time to present any evidence or substantial testimony. At the conclusion of the hearing, Judge _____ said he would issue an Order at a later date.

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The Respondent and _____ believed Judge _____ would issue an Order setting another hearing since he didn't get to hear testimony and/or evidence from the Respondent; however, on _____ Judge _____ issued an Order granting the Petitioner's Motion for Temporary Orders, allowing him to relocate with the minor child effective _____ and suspended the Respondent's visitation with the minor child because she is admitted to the hospital, despite her being able to visit with her child and have meaningful time with the child. Had Judge _____ been impartial, and set another hearing to be able to hear from the Respondent, he would have learned why her continuing relationship with her child is important and should not be suspended, but moreso why the temporary orders should not be granted. Aside from that, Judge _____ didn't even address or obtain evidence/testimony as it relates to A.R.S. §§ 25-403 and 408 factors, which is required before making a judgment like this. Additionally, pursuant to A.R.S. § 25-408, temporary orders are not available in post-decree, relocation cases like this case. JUDGE _____ VIOLATED THE RESPONDENT'S FOURTEENTH AMENDMENT RIGHTS TO DUE PROCESS BY NOT ALLOWING HER TO PRESENT EVIDENCE BEFORE MAKING HIS FINDING. JUDGE _____ ALSO IGNORED THE A.R.S. §§ 25-403 AND 408 FACTORS THAT MUST BE ADDRESSED, AS WELL AS A.R.S. § 25-408 THAT DOES NOT ALLOW TEMPORARY ORDERS IN A CASE LIKE THIS.

On _____ the Respondent filed a Motion for Reconsideration and stated the above issues and violations of constitutional rights and statutes, and asked that the ruling be set aside while Judge _____ considered the Motion. By _____ Judge _____ had not issued an Order giving the Petitioner an opportunity to respond to the Motion for Reconsideration, pursuant to Ariz. R. Fam. Law. Proc. 35.1(b), nor had he issued any kind of ruling on the Motion for Reconsideration. Because the date to relocate was looming, Respondent filed an Emergency Motion to Accelerate Ruling Re: Motion to Set Aside and Stay of Ruling. On _____ Judge _____ issued an Order denying Respondent's Motion to Stay the Ruling and Motion for Reconsideration. Now this is a case for the Court of Appeals.

With the violations of rules, processes, and constitutional rights in favor of the Petitioner, it begs the question whether Judge _____ favors the Petitioner and/or is in cahoots with the Petitioner's attorney, _____ While the issues will now be addressed by the Court of Appeals, this case has caught the attention of many attorneys and judges in both _____ County and _____ County, and from what I have been told by those legal professionals watching this case, they are shocked at the judgment of Judge _____ and those people have suggested that I bring Judge _____ conduct to the attention of the Commission on Judicial conduct, which is the basis of this Complaint. From my own observation, it is apparent that Judge _____ isn't familiar with rules and processes and does not take the time to review/investigate the rules he is not familiar with prior to making rulings that affect people's lives, which is dangerous for a sitting judge/commissioner.

I pray that the Commission take the time to look into this matter.