

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-417

Judge:

Complainant:

ORDER

February 7, 2025

The Complainant alleged a superior court judge is biased and inconsistently and arbitrarily applies the law in family court cases.

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.

Complainant provided a total of thirty-one family court cases in which she alleged that the judge showed bias and arbitrarily applied the law. Some of these cases related to prior complaints filed by litigants with the Commission against the same judicial officer. Complainant's allegations of bias were not supported by a review of the record in each of these cases. Contrary to Complainant's assertions, the judge often issued multiple page rulings regarding her decisions related to parenting time and child custody. These rulings ranged from eight to thirty pages and thoroughly explained the court's legal reasoning regarding the decision. The decision to appoint third parties, such as custody evaluators, court-appointed advisors, or best interests attorneys, to assist the court regarding custody and parenting time is within the discretion of a judge. Likewise, it is within a judge's discretion to assess credibility and determine what weight to give to a witness's testimony, both lay and expert. The Commission does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. 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. Correcting legal errors is the role of the appellate courts, not the Commission.

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 member Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 7, 2025.

2024-417

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.

_____ has an alleged pattern of bias in her rulings, particularly in cases involving forensic providers whom she appoints. These complaints suggest that her rulings consistently favor one party, typically at the expense of the mother and children involved, despite the evidence presented. There are claims that these adverse rulings may be rooted in favoritism, which undermines trust in the impartiality of the court.

A significant number of complaints have also alleged bias among the court-appointed experts, coupled with concerns of improper collusion between the family court, specifically Judge _____ and these experts. These allegations suggest that certain forensic providers may be improperly influencing decisions, potentially to the detriment of the children and families involved. _____ is also seemingly disregarding legitimate concerns of conflicts of interest regarding these court-appointed experts.

Rulings from her division appear to be inconsistent with Arizona's statutes and the Arizona Rules of Family Law Procedure. In particular, significant rulings often lack little or no rationale, leaving the parties confused and frustrated, especially when facing critical issues related to custody or financial obligations. There is seemingly a lack of evidence and a potential falsifying of evidence to achieve particular outcomes in _____ cases.

_____ appoints court experts, over legitimate objections, while requiring the objecting party to bear half or more of the associated costs, without the court making any specific findings regarding their ability to afford such services. These appointments reportedly result in costs often exceeding _____ to _____ or more. There are multiple reports of people being forced to sell personal assets or incur substantial debt simply to comply with these court orders. There is also a growing concern that non-payment, even when due to legitimate financial hardship, results in the threat or imposition of sanctions, including, at times, the loss of custody.

Most concerning of all, are reports that this perceived bias and potential collusion have resulted in custody orders that place children in harm's way. Specifically, multiple reports from people who claim that custody has been awarded to a parent with a history of abusive behavior or neglect, despite strong objections from the other parent and, in some cases, the expressed wishes of the children themselves. The paramount obligation of the family court is to safeguard the well-being of the children, and these reports raise serious concerns about whether that obligation is being fulfilled.