

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-385

Judge:

Complainant:

ORDER

December 27, 2024

The Complainant alleged a superior court judge committed procedural error and failed to follow Arizona law in a family court matter.

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 Denise K. Aguilar and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on December 27, 2024.

Judicial Conduct Commission
RE: Complaint Against Judge

Dear Members of the Judicial Conduct Commission,

I am writing to file a formal complaint against Judge _____, who presided over my divorce and custody case, _____, in _____ County, Arizona. I believe that Judge _____ demonstrated a pattern of judicial misconduct, procedural errors, and failure to follow Arizona law, which significantly impacted the fairness and outcome of my case. Below, I have outlined the specific dates and events that demonstrate this misconduct in chronological order.

Chronological Events and Issues:

- _____ : I filed the Petition for Dissolution.
- _____ : I filed an Application/Affidavit for Default as the respondent had not filed a response within the required time.
- _____ : I contacted the court to schedule a default hearing but was told I could not proceed because the respondent had supposedly filed a response. However, the respondent had only filed for an extension (which was denied on _____), and no response had been filed at that time. This error prevented me from rightfully proceeding with a default judgment.
- _____ : We attended an Early Resolution Conference (ERC) where both parties agreed on the division of property, which the court signed off on _____. An informal family trial was set for _____.
- _____ : I submitted my Affidavit of Financial Information (AFI) and Pretrial Statement in preparation for the upcoming trial.
- _____ : The court vacated the scheduled informal family trial and placed the case on a dismissal calendar due to both parties supposedly not completing the Parenting Information Program (PIP). However, I had submitted my certificate in _____. I filed a motion to reset the hearing the same day, as this was clearly an error. The judge later acknowledged that she had indeed received my PIP certificate, confirming that the hearing should not have been vacated.
- _____ : The respondent submitted his PIP certificate, several months later than the required deadline.
- _____ : I received an email from the court stating that the Pretrial Statement and AFI were missing from one or both parties and needed to be filed by the close of business on _____. The email read:
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„I had already submitted my AFI

and Pretrial Statement on _____, so I disregarded this email, assuming it was the respondent who had not filed his documents, as I had never received a copy from him. Despite this, I decided to deliver courtesy copies in person to the judge, because of numerous mistakes that had been made thus far and trying to prevent more delays. However, while I was at the courthouse, I received an email at _____ stating that the judge had vacated the hearing, more than 5 hours ahead of her “end of business” deadline she previously stated.

- _____ : The judge acknowledged her error regarding the AFI and Pretrial Statement but vacated the hearing anyway, stating that “_____” the hearing was still reset for _____, more than _____ months delayed, due to a conflict on her calendar. She also stated that I had not filed Form 12, which was unnecessary and redundant as she court had already signed off on our division of property agreement on _____.
- _____ : I filed a motion for reconsideration of the vacated hearing, explaining that Form 12 was unnecessary. The judge gave the respondent _____ days to respond, but he did not, and despite that, the judge denied my motion without explanation and affirmed resetting the hearing for _____.
- _____ : The respondent pled guilty to an extreme DUI (his third DUI) and was sentenced to _____ days in jail, followed by house arrest and probation. He was to self-report on _____.
- _____ : The court denied my motion for reconsideration without explanation.
- _____ : The respondent failed to report to jail on his scheduled date, which was not taken into consideration during the custody decision.
- _____ : During the informal family law trial, my entire time to speak was taken up by the judge asking me questions, which did not give me any time to speak freely about my concerns and issues. Afterwards, the judge spoke to the respondent, who lied and made several false claims, including accusations of domestic violence against me, even though I have never done anything, and he is the one who has been arrested for domestic violence. I was not given enough time to address or rebut these claims because the hearing was prematurely concluded due to time constraints. I was deprived of a fair opportunity to present my case, and several very important pieces of information were not discussed.
- _____ : Judge _____ issued a custody ruling granting 50/50 parenting time and joint legal custody, despite the respondent’s documented history of alcoholism, multiple DUI convictions, and domestic violence. The court initially acknowledged challenges arising from the respondent’s alcoholism but later contradicted itself by stating there were no substance abuse problems, ignoring his recent DUI conviction.
 - Under ARS 25-403.03, a parent with a history of substance abuse and domestic violence should not be granted joint legal custody, yet the court did so.
 - The court also failed to consider the respondent's living conditions, which are unsuitable for the children. He resides in a short-term one-bedroom apartment with his mother, where the children share a bed with him.

- Additionally, the respondent never provided me with his AFI and lied about his income, claiming he made only _____ a month from a part-time job, when his primary source of income is as a self-employed painter/cabinet refinisher. He earns significantly more, yet the court did not address the discrepancies in his reported income. The court's child support calculation of _____ per month was based on erroneous information and did not account for the fact that I support _____ other biological children. Despite having paid for all expenses related to our children alone for _____ years, back child support was not discussed.
- The judge also failed to create a comprehensive parenting plan, omitting key details such as _____ break parenting time, which is a very important holiday. The judge ordered that _____ be split from _____ to _____, despite knowing that the parties live _____ **minutes apart**, leaving no time for the children to enjoy the holiday due to travel time and the need to dress in costumes. This failure to consider logistical realities demonstrates a lack of regard for the children's best interests.
- In the **Decree of Dissolution**, the judge once again incorrectly stated that I had not completed the Parenting Information Program, even though she acknowledged in _____ that I had submitted my certificate after vacating the case in error. Furthermore, the judge made this part of her ruling, taking it into consideration for custody by referencing whether a parent has complied with chapter 3, article 5 of title 25, Arizona Revised Statutes. The decree stated:
“

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- _____ : I filed a motion for reconsideration of the custody ruling, citing procedural errors, the respondent's pending jail time, and his documented history of substance abuse and domestic violence. The court denied the motion without addressing the significant errors raised.
- _____ : The court blamed me for not managing time properly during the hearing, even though the time was cut short. It once again refused to reconsider its ruling.
- _____ : The respondent was sentenced to _____ days in jail and house arrest from _____ to _____ due to his substance abuse issues, which the judge stated were not a concern, despite overwhelming evidence. ARS 25-403.03 should apply, preventing him from having legal custody.

Conclusion

The numerous errors, procedural mishandlings, and failures to follow Arizona law in my case demonstrate a pattern of judicial misconduct. Judge [redacted] actions have negatively impacted my family's well-being and resulted in an unjust custody and child support arrangement. I respectfully request that the Judicial Conduct Commission investigate Judge [redacted] conduct.

Summary of Errors and Impact:

- Judge [redacted] erroneously vacated my hearing, failed to acknowledge timely filings, and misinterpreted the necessity of Form 12, despite documentation.
- She failed to address critical factors like substance abuse, domestic violence, and respondent's unfit living conditions in her custody ruling.
- Judge [redacted] overlooked the respondent's lies about income, did not account for my financial responsibility for [redacted] other children, and failed to address back child support.
- She failed to provide a proper parenting plan for holidays and falsely claimed I did not complete the PIP, despite previously acknowledging receipt of it.
- Due to her gross negligence and lack of attention to detail, my case has been severely prolonged and incorrectly ruled on, forcing me to appeal the decision.

Thank you for your attention to this matter.

Sincerely,