

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-116

Judge:

Complainant:

ORDER

June 10, 2025

The Complainant alleged a superior court judge improperly ruled based on manipulations by spouse in a family law case.

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 Choose an item 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 June 10, 2025.

2025-116

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.

Complaint Against Judge
Introduction: This complaint is being filed against Judge _____ due to the ongoing issues in my child custody case, including the failure to take necessary action to protect my children from psychological, physical, emotional abuse, and neglect. Despite providing substantial evidence and complying with court orders, Judge _____ handling of this case has resulted in continued harm to my children, and my ongoing alienation from them. This complaint outlines the various reasons I believe a new judge should be assigned to this case.

Background:

1. False Allegations and Initial Custody Order:

- On _____, a court order was issued by Judge _____ which was based on false allegations presented by the father of my children.
- These allegations were influenced by his girlfriend, _____ and her behavior towards the children. The father informed Judge _____ of these false claims after learning about the _____ reports.

2. Reports and Appeal:

- On _____, I reached out to the _____ to begin the appeal process after learning about the false allegations.
- On _____, I received a communication from the _____ stating that all allegations against me were unsubstantiated, meaning no evidence was found to support claims of abuse or neglect.
- Despite this, I have been under supervision since _____ through _____, which has persisted for _____ years.
- The father's false _____ reports led to him receiving custody of the children since _____.

3. Ongoing Court Issues:

- The father has filed multiple temporary orders to gain custody of the children, and these _____ reports have continued to be an issue.
- Despite complying with all court orders and completing an in-depth psychological evaluation by _____, which confirmed I have no mental health concerns, I have not been granted the opportunity to protect my children from their father's abusive behavior.
- _____ evaluation supports my ability to parent in a healthy and safe manner, but the biased interview conducted by _____ influenced by the father's manipulation, fails to reflect the truth of my ability to care for my children.

4. Father's Manipulation and Alienation Tactics:

- The father has blamed me for anonymous _____ calls and alleged neglect and abuse, and has continued to alienate me from the children.
- Despite presenting _____ exhibits of evidence showing the father's manipulation and alienation tactics, Judge _____ has allowed these behaviors to go unaddressed, further alienating me from my children's lives, including their school and medical care.

5. Court Orders and Emergency Requests:

- On _____, I filed for an emergency temporary order without notice due to ongoing psychological abuse inflicted by the father. The emergency order was denied, and the case was forwarded to Judge _____.

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

FOR OFFICE USE ONLY

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On the same day, I filed a petition to modify the existing court order due to the psychological abuse inflicted on my daughter which allowed the father to continue alienating her from me.

- On _____ during an enforcement hearing, I attempted to address the visitation issue with _____ but Judge _____ could not resolve the matter, and the existing order was enforced, meaning I currently have no parenting time with _____.

6. Interaction with Judge _____

- On _____ Judge _____ advised me to seek counsel and refrain from arguing, even though I was not arguing. In the past, I paid _____ for counsel to represent me during the temporary hearing. Judge _____ ruling regarding domestic violence and abuse concerns was the result of the decision made on _____. My only intention was to settle the ongoing disputes.
- In response to her request for evidence, I presented _____ exhibits demonstrating the father's manipulation and alienation tactics, which have led to me being placed under supervision.
- Despite this, Judge _____ has continued to allow the father to manipulate the court system, and my children remain in a harmful situation.

7. Domestic Violence and Abuse Concerns:

- The ruling on _____ regarding temporary orders reflects serious concerns about the father's domestic violence issues. It was ordered that the father attend a domestic violence class and notify me before his girlfriend, _____, moves back into the family home.
- There have been serious incidents of abuse involving _____, including an arrest for assault, which is documented in the _____ reports. This abuse is part of an ongoing pattern of domestic violence between the father and _____ dating back to _____. As a result, this case has become a retaliation and a personal attack against me.

Conclusion:

The ongoing failure of Judge _____ to act in the best interest of my children has resulted in significant harm to them and has denied me a fair opportunity to reunite with my children. The father's dishonesty, manipulation, and abuse continue unchecked, and my attempts to address these issues in court have been disregarded. As previously mentioned, the father is a convicted felon, has been unemployed for _____ years, and continues to receive child support. This has led to him filing taxes every year, which ultimately takes away from me, the mother.

Given these circumstances, I respectfully request that a new judge be assigned to this case to ensure that my children are protected and that I am given a fair opportunity to reunite with them. I have complied with all court orders and have demonstrated my commitment to providing a safe and supportive environment for my children. The continued failures of Judge _____ to address the father's manipulation and alienation tactics, as well as the ongoing abuse my children are enduring, require immediate action to prevent further harm. Therefore, I request that this case be reviewed by a different judge to ensure that justice is served and my children's well-being is prioritized.