

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-119

Judge:

Complainant:

ORDER

June 10, 2025

The Complainant alleged a superior court commissioner did not properly apply the burden of persuasion or cite to all required statutes 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.

CONFIDENTIAL

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

CASE NO.
FOR OFFICE USE ONLY

2025-119

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.

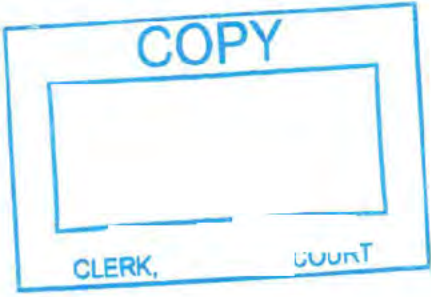
Judge _____ approved a relocation ruling on _____ without properly weighing all statutory factors under A.R.S. § 25-403 and A.R.S. § 25-408. Prior to the relocation, I had equal parenting time with my children _____ () and _____ (), ensuring that both parents played an equal role in their upbringing. The judge failed to assign the burden of proof to the relocating parent, as required by law. Instead of ensuring that _____ proved the move was in the children's best interests, the court unfairly dismissed key evidence showing the negative impact of relocation on their stability. This ruling drastically disrupted my children's lives, removing them from their established community, school, and support system in _____.

On _____ I filed a Motion to Alter or Amend Judgment requesting reconsideration of the relocation ruling. Judge _____ denied the motion on _____ solely on procedural grounds, claiming it was untimely. However, the motion was filed within a reasonable time frame and was crucial in addressing legal errors in the ruling. The court failed to properly notify me of filing deadlines, and the judge's refusal to even review my arguments reflects a biased and unfair application of the law. This denial prevented the correction of a deeply flawed decision that has long-term consequences on my children's well-being and my parental rights.

Throughout the proceedings, Judge _____ exhibited favoritism toward the relocating parent (Petitioner) by failing to adequately consider the impact on the non-relocating parent (me). The relocation ruling completely altered our parenting arrangement, significantly reducing my time with my children. The judge ignored evidence that demonstrated how disruptive the move would be for my children and how well-adjusted they were to life in _____. The ruling prioritizes the relocating parent's convenience over my parental rights, despite Arizona law prioritizing equal and meaningful parenting time. Judge _____ also failed to address concerns about the relocating parent's ability to provide stable and consistent care for the children after the move.

Prior to relocation, my children thrived under a stable parenting schedule. The judge's decision severely limits my parenting time, making it impossible for me to provide the same level of care and involvement in their education, extracurricular activities, and emotional well-being. The move places an unfair financial burden on me, as I will now have to travel long distances just to exercise my court-ordered parenting time. The relocation ruling prioritizes the moving parent's interests over the established best interests of my children, disregarding their strong relationship with me as their father.

Given these concerns, I formally request an investigation into Judge _____ handling of my case. His conduct undermines confidence in the judicial system and raises serious concerns about his adherence to legal and ethical obligations. The judge's lack of impartiality, failure to follow the law, and refusal to fairly consider post-trial motions suggest a pattern of judicial misconduct that warrants review by the Arizona Commission on Judicial Conduct.



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LAW OFFICES OF
PLLC

TELEPHONE

By: Esq.
Pima County Computer No.
Arizona No.
Attorney for:

**IN THE COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF**

In re the Marriage of:

Petitioner,

and

Respondent.

Case No:

PARENTING PLAN

(Honorable)

Petitioner, represented by Esq., and having signed this Decree, and Respondent represented by Esq., agree to and proposes the following:

A. General Information

1. The minor children common to the parents are: date of birth ; and date of birth
2. That upon the commencement of this matter, the children and both parents resided in Arizona and resided continuously in Arizona for a period of not less than 6 months prior.
3. That the children are not subject to any claim of parental kidnaping or wrongful abduction.
4. That no other state has issued any order regarding the children and that there are no other legal proceedings involving the children (including domestic violence, enforcement, protective orders, termination of parental rights, adoptions, proceedings in any Tribal Court or other country, or guardianship matters) in any other court.

1 5. That Petitioner and Respondent, by signing this Parenting Plan has read,
2 understands, and will abide by the notification requirements set forth by Arizona Revised
3 Statute (A.R.S.) § 25-403.05 that the children's parent or custodian must immediately
4 notify the other parent or custodian if he or she knows that a convicted or registered sex
5 offender or a person who has been convicted of a dangerous crime against children may
6 have access to the children, said notice by first class mail, return receipt requested or by
7 electronic means to an electronic mail address that the recipient provided to the parent or
8 custodian for notification purposes or by other communication accepted by this Court.

9 7. That both the Petitioner and Respondent will complete the mandatory Parent Education
10 Course as ordered by this Court as soon as reasonably possible, if they have not done so
11 prior to the execution of this Parenting Plan.

12 **B. Legal Decision Making**

13 1. That the Petitioner, _____ and the Respondent,
14 _____ shall share and be awarded Joint Legal Decision Making for the minor children.
15 These legal decisions include, but are not limited to: significant and/or permanent changes
16 in the children's social environment and/or personal appearance; major decisions regarding
17 the needs, growth and development of the children; and major decisions regarding the
18 minor children's personal care, education, health care and religious involvement of the
19 children. The parties will make a good faith effort to communicate regularly with the other
20 prior to such major legal decisions being made.

21 2. That during his or her parenting time, each parent has the right to authorize emergency
22 medical treatment and make routine decisions regarding the children, along with any
23 decisions that do not involve significant and/or permanent changes in the children's social
24 environment, personal appearance, education, and religion.

25 **C. Health Care**

26 1. That, only in cases of a health emergency, the Petitioner and Respondent, each have the
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1 right to authorize emergency medical treatment, and the right to consult with physicians
2 and other medical practitioners in cases of emergency. That, in cases of emergency,
3 Petitioner and Respondent agree to advise one another immediately of any medical or
4 dental emergency care sought for the children; to cooperate on health matters pertaining to
5 the children; and to keep one another reasonably informed. Petitioner and Respondent
6 agree to keep each other informed as to names, addresses and telephone numbers of all
7 medical and dental care providers and practitioners.

8 **D. Records**

- 9 1. That unless otherwise provided by court order or law, on reasonable request, both parents
10 are entitled to equal access to documents and other information concerning the minor
11 children's education and physical, mental, moral and emotional health including medical,
12 school, police, court and other records.
- 13 2. That the parents will each keep the other advised as to names, addresses, telephone
14 numbers and email addresses of all treating medical practitioners; that the parents shall
15 notify each other in the event a child has been ill for twenty-four (24) consecutive hours or
16 immediately if the child receives urgent care or becomes hospitalized including any
17 diagnosis and follow-up care and appointments regarding the same; and will provide to the
18 other any and all of the children's prescriptions and prescription information, instructions
19 and possible side effects.
- 20 3. That the parents will each be entitled to the children's school information including school
21 name, address, phone number and email contact information; that all enrollment or official
22 records shall include identification and contact information of both parents. That if the
23 children's educational information is available online each parent shall have the children's
24 log in information; and that the parents shall provide to the other as soon as received,
25 copies of the children's report cards and any notification regarding the children including
26 but not limited to: their behavior; academic progress or attendance; significant school
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**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.**