

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-150

Judge:

Complainant:

ORDER

July 18, 2025

The Complainant alleged a superior court judge was biased by making improper rulings and made a delayed ruling 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 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 Scott H. O'Connor did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on July 18, 2025.

2025-150

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.

Introduction:

Judge actions have exceeded her legal authority, causing undue emotional, educational, and financial hardship for the complainant and her minor children. Judge violated many rules of the Arizona Code of Judicial Conduct, including Rule 1.1, Rule 1.2, Rule 2.2, Rule 2.5, Rule 2.6, Rule 2.15, and may have violated others that are not clear to this layman complainant. This complaint presents multiple instances where her rulings ignored legal standards, violated due process, and caused significant harm to the complainant and her children.

Grounds for Complaint:

1. Exceeding Legal Authority in Emergency Temporary Orders

Judge acted on an Emergency Temporary Orders Petition under Rule 48 ARFLP, removing two minor children from their primary residential parent without a finding of irreparable harm. This action violated Rules 1.1, 2.2, and 2.6; disregarded procedural safeguards; and led to unjustified and traumatic disruption of the children's stability. (See Minute Orders: ; ;)

Violations to Rule 1.1 include failing to follow Arizona legal precedent. DePasquale v. Superior Court, 181 Ariz. 333 (App. 1995), requires courts to define the injury and explain why it is irreparable before issuing emergency orders under Rule 48 ARFLP. Additionally, Backstrand v. Backstrand, 479 P.3d 846 (Ariz. App. Div. 1, 2020), confirms that changes in a child's activities or environment alone do not justify modification unless they are substantial and detrimental. These precedents were ignored in Judge ruling.

Judge made her Rule 48 orders based on Father's testimony of viewing his wife's messages from the daughter. The stepmother was not made available as a witness and no discussion of prior conversations between stepmother and stepdaughter were brought up. To allow Father to testify to an out-of-context audio message amongst a long chain of communications between his wife and his daughter without properly disclosing such information was inappropriate and contributed to the bias shown throughout the hearings. Judge violated Rule 1.1, Rule 1.2, and Rule 2.2 by allowing such hearsay.

2. Improper Relocation without Proper Petition or Notice

A. Failure to Adhere to Statutory Relocation Procedures

Judge ordered the relocation of the children approximately miles away from their primary residential home in to Arizona, despite the father not having filed a required Petition for Relocation or Notice of Intent to Relocate under A.R.S. §25-408 and thus violating Rule 1.1, Rule 1.2, and Rule 2.15. This omission deprived the mother of the opportunity to contest the relocation, directly violating statutory requirements and due process protections. (See Minute Order:



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2.A continued

In Murray v. Murray, 239 Ariz. 174, 367 P.3d 78 (App. 2016), the court affirmed that relocation must be judged by the same criteria as a modification of parenting time/legal decision-making. The ruling emphasized that the one-year rule under A.R.S. §25-411(A) applies to relocations. Judge failure to adhere to these statutory requirements resulted in an unlawful and unjustified relocation order.

Despite being ordered by the court, Father did not file a relocation order until the judge scheduled a Resolution Management Conference and then later cancelled the hearing on . (See orders: and) Judge then scheduled a hearing to hear Mother's Order of Protection of Discovery and then decided to blend in a sudden Resolution Management Conference regarding the relocation, but backed out due to both Mother still not being served with the relocation papers. It was brought to Judge attention at a hearing on that Mother had still not been served a copy of Father's Motion for Relocation, she told Father's attorney to serve mother. No mention of it was listed in the Minute Entry thus violating Rule 2.2 and Rule 2.15 as outlined herein. (See Order: ; transcripts will be provided upon request)

Father's attorney never served mother with relocation papers. Judge told Father's attorney to provide service of the documents to Mother's attorney again at the hearing, but failed to put the order in the minutes thus violating Rule 2.15 where should have formally reprovved Father's attorney for failing to follow her requests from months before. Mother was never served with a copy of Father's relocation petition, but she still filed a response on . (Relocation motion and response are not attached, but will be provided upon request; transcripts will be provided upon request)

B. Failure to Show Impartiality During Initial Relocation Period

Judge removed the children from Mother's home just prior to the Holiday and did not care that Father refused to allow Mother any unsupervised time with the children over the holiday break. It has now been over years since Mother has celebrated with the children as Father had been awarded in even years and so received parenting time in , and Judge actions violate Rule 2.2 and Rule 2.6 as outlined herein. (Transcripts will be provided upon request)

On the third day of the Rule 48 hearings, following the children's break, Judge failed to address the Father's noncompliance with her recommendation to enroll in a parenting course. In contrast, Mother presented proof of not only enrolling but also completing an acceptable parenting course alongside Stepfather, yet Judge dismissed this evidence and relied exclusively on her CAA's flawed report to issue her ruling. This conduct violated Rule 1.2 by undermining confidence in the judiciary through her failure to enforce her own orders, Rule 2.2 by exhibiting clear bias toward the Father, and Rule 2.6 by disregarding Mother's efforts to address the court's concerns.



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2.B continued

Furthermore, Judge _____ breached Rule 2.15 by permitting the CAA to present a verbal report as complete and unbiased, despite its deficiencies—including inadequate rapport-building with the daughter, unequal interview time, and an unexplained same-day alteration of its summary without notice to either party. Judge _____ unquestioning acceptance of this report, despite suspicions of improper influence (e.g., opposing counsel's lack of surprise at the changed recommendation), reflects her failure to ensure a fair process. Most critically, by ordering the children's sudden relocation based on this report—despite no evidence of abuse, irreparable harm, or imminent risk in either household—Judge _____ violated Rule 1.1, Rule 1.2, Rule 2.2, Rule 2.3, Rule 2.6, and Rule 2.15, as detailed throughout this complaint. (See Order: _____ ; _____ ; Transcripts will be provided upon request)

C. Failure to Schedule a Required Relocation Hearing
Under A.R.S. §25-407, a relocation hearing must be scheduled within 60 days to address legal decision-making and parenting time. Despite not being served, the mother filed her response on _____, yet no relocation hearing has been scheduled, exceeding the statutory requirement and causing undue hardship and instability for the children. Arizona Constitution, Art. 2, § 11 was also violated by failing to schedule a hearing in a timely manner. In failing to schedule any hearing, Judge _____ continues to violate Rule 2.5 via Arizona Constitution, Art. 6, § 21. It has been over a month since the 60 day deadline expired and it is anticipated that Judge _____ successfully continues to get paid, violating specifically Rule 2.5 under A.R.S. §12-128.01.

3. Failure to Show Impartiality and Fairness Regarding Application of the Law

A. Failure to Honor a Rule 69 Agreement and the Related Timing of the Rule 48 Motion

Judge _____ allowed the father to disregard a binding Rule 69 ARFLP agreement, reached weeks prior, which stipulated that the children would remain in their _____ school for the _____ school year. The agreement also included provisions regarding legal decision-making and child support. This violated Rule 1.1, Rule 1.2, and Rule 2.2 as outlined herein. (See Minute Order: _____)

From _____ until _____, the father had paid only _____ per month in child support for two children, an amount based on Arizona's minimum wage from _____. On _____ the court ordered the father to pay _____ per month in child support, along with _____ per year in tuition for the children. Then, on _____—just nine days after the court ordered him to pay significantly more in child support and only 6 days after the Rule 69 ARFLP agreement was docketed—the father filed his Rule 48 motion seeking emergency relief. The timing of this filing—immediately after the court increased his financial obligations—strongly indicates an effort to circumvent child support obligations rather than a legitimate concern for the children's welfare. (See Emergency Temporary Orders: _____)

CONFIDENTIAL

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

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3.A continued

Arizona law upholds the validity of such agreements unless a party proves a defect, as stated in Ertl v. Ertl, 252 Ariz. 308, 502 P.3d 466 (App. 2021). Additionally, Reyes v. Reyes, No. 1 CA-CV 19-0455 FC, reinforces that a Rule 69 agreement remains binding unless a proper challenge is filed and justified. Judge _____ violated these well-established precedents by failing to uphold the agreement. In doing so, she violated Rule 1.1, 1.2, and 2.2 as outlined herein. Judge _____ also violated Rule 2.15 for not formally reprimanding Father's attorney for his failure to follow procedure.

B. Exhibited Biased and Prejudiced Behavior

One concern that was repeatedly brought up during the Rule 48 hearings and subsequent investigations and reports was that the children shared a bedroom. This concern seemed to have a direct effect on Judge _____ ruling that the children remain in _____ as it was a key component of Father's argument. Discrimination against Mother's socio-economic status in this way is a direct violation of Rule 2.3. Mother had been the primary caretaker for more than _____ years and bedroom arrangements had never before been a concern brought up by Father. Father only completed all medical training in _____ and had only recently been able to afford a house with sufficient bedrooms for his _____ children. Judge _____ seemed to rule that now that Father has a higher socio-economic standing than Mother, it was his turn to be the primary residential parent. There was no concern of bedroom-sharing brought up at any hearing prior to Father's filing of the Rule 48.

Since then, both the CAA and the Custody Evaluator expressed concerns that the children share a bedroom, even though Mother has a 3 bedroom house and has _____ children, making single bedrooms for every child impossible. Father now has a 5 bedroom house with additional attic and office spaces. The daughter, whose messages to stepmother triggered the initial Rule 48 motion, is the only child that does not share a room at Father's house. Despite one of the other bedrooms being kept empty, the son is required to share a bedroom with his half-sibling much younger than him, yet there is no complaint about space issues there.

Father promised the court that the children would be given equivalent educations in the school district, despite being an inferior school to the prestigious private school the children were attending in _____. Judge _____ ordered their relocation with the expectation that their classes would transfer properly. Despite being told that the daughter was not allowed to take equivalent AP courses in _____ and that the son had stopped _____ therapy upon their relocation, Judge _____ ignored the damage done to the children by placing them in an inferior school that did not properly transfer their classes nor the son's IEP. Ignoring the damage done to the educational and mental well-being of the children and prioritizing Father's spacious house and socio-economic status over the best interests of the children. Judge _____ was dismissive of Mother's efforts to provide the children a rich educational, therapeutic, and extracurricular-filled life despite Mother's smaller house and lesser socio-economic status. This shows a violation of Rule 2.2, Rule 2.3, and Rule 2.6 as outlined herein. (Mother's ignored motions for appointment of attorney for the minor child detailing same will be provided upon request)



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4. Failure to Enforce Order to Serve Mother and Failure to Note Testimony Regarding Same

Compounding the Rule 69 violations, the complainant was served with Rule 48 emergency pleadings just two days before the hearing, depriving her of sufficient time to prepare a defense, secure expert witnesses, and challenge the allegations effectively. By failing to provide adequate notice, Judge deprived the complainant of her constitutional right to procedural due process under both Arizona law and the 14th Amendment of the U.S. Constitution. Judge violated Rule 1.1, Rule 1.2, 2.6, and Rule 2.15 as outlined herein. (See Emergency Temporary Orders dated and Certificate of Service dated)

Judge rulings in the Rule 48 hearings demonstrate a blatant disregard for the factual record and testimony. Despite clear evidence—including admitted exhibits—that Mother had not been properly served with the pleadings before her conversations with her daughter, Judge erroneously chastised Mother for acting after allegedly reading them. This critical failure to acknowledge the timeline (Mother's actions occurred before service) proves Judge either ignored testimony or willfully misconstrued the record. (See Order: ; Transcript will be provided upon request)

Worse, Judge selectively enforced her own orders. On she directed opposing counsel to serve Mother's attorney—yet when they defied that order (serving Mother directly on), the judge took no action. Her refusal to censure this violation—while punishing Mother for conduct predating service—exposes gross partiality. Judge violated Rule 1.1, Rule 1.2, Rule 2.2, Rule 2.6, and Rule 2.15. (See Order: ; ; Transcripts will be provided upon request)

5. Misuse of Court-Appointed Advisor Process
A. Court-Appointed Advisor, Selected Late at Night

On the first day of the Rule 48 hearings, Father testified for approximately 45minutes, while Mother was given only 5 minutes to testify. After testimony was given the following day, Judge revealed that she had been reviewing the case up to the previous night and had decided to appoint as Court-Appointed Advisor, despite having heard only one side fully due to Mother's limited testimony and her written defense – submitted less than 48hrs prior – not addressing all of Father's allegations. This premature decision-making, coupled with her dismissive attitude toward Mother's testimony on day two, demonstrates severe bias and a failure to ensure a fair hearing, violating Rule 1.2, Rule 2.2, and Rule 2.6. (See Order: Transcripts will be provided upon request)

Judge close personal relationship with her selected CAA, implied by their after-hours contact extending beyond professional norms, further taints her impartiality. Her failure to disclose this communication until the hearing's end, rather than before testimony began, constitutes a clear breach of judicial integrity. Judge violated Rule 2.2 by spending so much time reviewing the case when she only had the full view of one party. Judge violated Rule 1.2, Rule 2.2, and Rule 2.9 as outlined herein. (Transcripts to be provided upon request)

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