

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-267

Judge:

Complainant:

ORDER

September 5, 2025

The Complainant alleged a superior court judge may be personally biased in a family law case, engaged in prohibited ex-parte communications, had a bad demeanor that appeared coercive in an extra-judicial activity, and did not personally draft the final order in Complainant's 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 members Denise K. Aguilar, Roger D. Barton, Regina L. Nassen, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 5, 2025.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2025-267

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.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

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.

Judicial Complaint Against Judge

Subject: Unauthorized Diagnoses of Behavioral Health Conditions and Personality Traits

To the Arizona Commission on Judicial Conduct:

This complaint is submitted to formally address concerns regarding the conduct of Judge _____ of the _____ Court of _____ County, Family Court Division, in Case No. _____. The actions detailed below constitute judicial misconduct, including overreach into behavioral health determinations, violations of constitutional protections, and breaches of ethical and legal standards.

Summary of Complaint

Judge _____ engaged in conduct that exceeded his judicial authority by making unauthorized behavioral health diagnoses without input from qualified professionals. These actions violated Arizona Revised Statutes, federal behavioral health standards, and ethical guidelines, resulting in significant harm to the complainant's constitutional rights, financial stability, and parental capacity.

Factual Basis for Complaint

1. Improper Behavioral Health Diagnoses:

- On _____, Judge _____ labeled the complainant as having a "_____" and described the complainant as "_____." These terms were incorporated into the court's orders (Final Order: Pages 3, 5, and 10 of 13).

- These labels constitute behavioral health diagnoses, yet no qualified mental health professional was consulted, nor was evidence presented to substantiate such findings.

- This conduct violates A.R.S. § 32-2071, which restricts behavioral health diagnoses to licensed professionals, and federal law, including HIPAA, which protects the integrity of behavioral health information.

- Furthermore, this violates Canon 3(B)(2) of the Arizona Code of Judicial Conduct, which requires judges to maintain professional competence and adhere to the law.

2. Reliance on Unqualified Behavioral Health Providers:

- Judge _____ relied on misrepresented information from opposing council on input from a behavioral health provider, _____, who was under investigation by the Arizona

- Communications between _____ and the opposing party via non-HIPAA-compliant email violated 45 CFR § 164.306, which governs the security of health information.

3. Violation of First Amendment Rights:

- The judge dismissed the complainant's request for a religiously aligned counselor, disregarding the preference for a _____ counselor. This action violated the Free Exercise Clause of the First Amendment, as articulated in Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993).

4. Improper Orders for Co-Parenting Counseling:

- Judge _____ ordered both parents to attend co-parenting counseling with an unlicensed provider, _____, who specializes in marriage counseling. This was inappropriate, as the co-parents were never married, and the complainant is currently married to another individual.

- _____ has a documented history of misrepresentation, as noted by the Arizona

5. Financial and Personal Harm:

- The stigmatizing and unsupported diagnoses have caused significant financial harm, including the complainant's need to file for bankruptcy.

- These labels have created a lasting stigma, negatively impacting professional opportunities and the ability to support the complainant's child.

Legal and Ethical Violations

1. Violation of Arizona Revised Statutes and Federal Law:

- A.R.S. § 36-539(B) and AHCCCS guidelines require behavioral health interventions to be based on certifications by two qualified medical professionals. Judge _____ actions failed to meet these statutory requirements.

- The judge's use of terms like " _____ " and " _____ " violates DSM-5 standards, which require rigorous diagnostic criteria and formal evaluation by licensed professionals.

2. Case Law Supporting the Complaint:

- *Daubert v. Merrell Dow Pharmaceuticals, Inc*, 509 U.S. 579 (1993): Expert testimony must be based on reliable scientific principles. Judge [redacted] personal opinions fail to meet this standard.
- *Foucha v. Louisiana*, 504 U.S. 71 (1992): Mental health determinations must be based on evidence, not personal conjecture.
- *Parham v. J.R.*, 442 U.S. 584 (1979): Due process is required in decisions affecting mental health.
- *Zinermon v. Burch*, 494 U.S. 113 (1990): Proper procedural safeguards must be in place when judicial orders affect an individual's liberty or rights.
- *Mathews v. Eldridge*, 424 U.S. 319 (1976): Emphasizes the need for due process in decisions affecting financial and personal interests.

Impact of Judicial Misconduct

The actions of Judge [redacted] have had significant and far-reaching consequences, including:

- **Violation of Federal and State Law:** The judge's actions conflict with federal protections under the First and Fourteenth Amendments, as well as Arizona statutes governing behavioral health.
- **Harm to Parental Rights:** The improper orders have interfered with the complainant's ability to parent effectively and have escalated conflict between the parties.
- **Financial Devastation:** The financial burden imposed by these orders has forced the complainant into bankruptcy, further limiting access to justice and representation.
- **Stigmatization:** The unsupported behavioral health labels have caused irreparable damage to the complainant's reputation and professional standing.

Request for Investigation

The complainant respectfully requests that the Arizona Commission on Judicial Conduct thoroughly investigate this matter. The actions of Judge [redacted] represent a serious breach of ethical and legal standards, warranting comprehensive review and appropriate corrective action.

Supporting documents, including court orders, a summary review by a licensed behavioral health professional, and transcript excerpts, are attached to substantiate this complaint.

Please advise if additional information or documentation is required to facilitate this investigation.

**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.**