

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-387

Judge:

Complainant:

ORDER

October 10, 2025

The Complainant alleged a superior court judge made improper rulings, failed to properly consider evidence, and failed to rule in the child’s best interest 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 Complainant 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 Regina L. Nassen, Scott H. O'Connor, and Christopher P. Staring considered this matter.

Copies of this order were distributed to all appropriate persons on October 10, 2025.

2025-387

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.

This report outlines serious concerns regarding the judicial conduct and rulings made by Judge _____ during a recent child custody case. The actions and decisions in this matter reflect a troubling disregard for evidentiary standards, the safety and well-being of a minor child, and the ethical obligations expected of a sitting judge.

1. Failure to Properly Consider Evidence

Throughout the proceedings, multiple pieces of critical evidence were presented to the court documenting a history of domestic violence, including several videos clearly displaying aggressive and unsafe behavior by the father. Despite the gravity and clarity of this evidence, Judge _____ failed to give appropriate weight to these materials. The court's decision-making process reflected either a neglect or dismissal of the factual and legal relevance of these exhibits, undermining the fair administration of justice.

2. Custody Ruling Contrary to Child's Best Interests

The judge's custody decision starkly contradicts the best interest factors as outlined in family law statutes. Initially, Judge _____ ordered the father to have no more than _____ hours of parenting time per week—suggesting recognition of a potential risk to the child. However, in a drastic and unexplained shift, the ruling was changed to grant the father _____ consecutive overnight visits per week. This change occurred despite clear signs that the child demonstrated fear, discomfort, and lack of trust toward the father.

Dishonesty by the Father in Court

Compounding the concerns, the father was shown to have lied under oath regarding multiple matters. He denied stealing medications from his hospital workplace, despite documentation proving otherwise. Additionally, when questioned in the final trial about why he had been terminated from that same job, the father again lied, claiming no knowledge of the cause. However, multiple witnesses and photographic evidence confirmed that he was dismissed due to credible allegations of sexual harassment and assault against a female student co-worker.

3. Despite these serious and corroborated claims, Judge _____ disregarded the false testimony and failed to hold the father accountable for perjury. The court also did not give adequate consideration to the safety implications these facts may have had on the child.

