

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-434

Judge:

Complainant:

ORDER

October 10, 2025

The Complainant alleged a superior court commissioner failed to consider domestic violence allegations and improperly allowed joint custody in a child custody 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.

2025-434

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.

<p>MOTION FOR RELIEF FROM OF FAMILY LAW PROCEDURE (Relief from Judgment)</p> <p>Comes now Petitioner, _____, self-represented, and respectfully requests relief from the orders entered on _____, on the following grounds:</p> <p>I. BACKGROUND</p> <p>1. On _____, Respondent _____ assaulted Petitioner, resulting in injury and his arrest.</p> <p>2. On _____, the Court issued an Order of Protection (_____) against Respondent, which remains active.</p> <p>3. On _____, this Court nonetheless entered orders granting Respondent decision-making authority over medical and educational issues and modifying parenting time.</p> <p>4. The Court's ruling disregarded the _____ domestic violence incident and the protective order.</p> <p>II. LEGAL BASIS FOR RELIEF</p> <ul style="list-style-type: none"> • Rule 85(a)(1), ARFLP – Court may relieve a party from an order that is based on mistake, inadvertence, or misapplication of law. • Rule 85(a)(2), ARFLP – Relief is available when the order is void or entered in violation of statute. • A.R.S. § 25-403.03(A): "Joint legal decision-making shall not be awarded if the court makes a finding of the existence of significant domestic violence." • A.R.S. § 25-403.03(C): The Court must consider protective orders in its decision-making analysis. • A.R.S. § 25-401(2): Splitting categories of authority between parents constitutes joint legal decision-making. <p>III. ARGUMENT</p> <p>1. The Court erred in awarding Respondent medical and educational authority because the assault and active OOP establish domestic violence as a matter of law.</p> <p>2. By statute, joint legal decision-making is barred when DV exists. Splitting decision-making categories between parents constitutes joint authority.</p> <p>3. The _____ orders are therefore contrary to law and must be vacated or modified.</p> <p>IV. REQUEST FOR RELIEF</p> <p>Petitioner respectfully requests that the Court:</p> <ol style="list-style-type: none"> 1. Vacate the _____ orders granting Respondent decision-making authority in medical and educational matters; 2. Reinstate Petitioner as sole legal decision-maker in medical, educational, religious, and hygiene matters; 3. Grant such other relief as the Court deems just and proper. <p>Respectfully submitted this ___ day of _____.</p> <p>By: _____, Self-Represented</p>	<p style="text-align: center;">ORDERS PURSUANT TO RULE 85, ARIZONA RULES</p>
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JUDICIAL MISCONDUCT COMPLAINTS

(a) Presiding Judge of _____ County _____ Court

- To Presiding Judge (currently Judge _____).
- _____ failure to apply mandatory DV statute, reliance on stale or irrelevant evidence, and disregard of OOP.
- Request administrative review / reassignment of judge.

Complainant: _____, Petitioner in _____ County _____ Court case

Judge Involved: _____
 – the judge who issued the _____ ruling

Statement of Complaint
 I am filing this complaint because the judge presiding over my case _____ disregarded Arizona law, minimized documented domestic violence, and issued orders that placed me and my child at risk and effectively stripped me of my parental rights.

Factual Background

- On _____, the Respondent (_____) assaulted me, causing injury. He was arrested and jailed for this incident.
- On _____, the _____ County _____ Court issued an active Order of Protection (_____) against _____, which remains in effect.
- Despite this, in _____ the Court modified legal decision-making and parenting time:
 - o Parenting time was changed to a 7-day on/7-day off schedule.
 - o _____ was granted authority over medical and educational decision-making for our child.
 - o Exchanges were limited to one day per week (_____), effectively excluding me from meaningful participation in my child's life.

Grounds for Judicial Misconduct

1. Failure to Apply Mandatory Domestic Violence Statute
 - o Under A.R.S. § 25-403.03(A), the court "shall not award joint legal decision-making if the court makes a finding of significant domestic violence or a significant history of domestic violence."
 - o The judge ignored the recent assault, active Order of Protection, and evidence of repeated domestic violence, yet still awarded _____ major decision-making authority.
 - o This ruling directly conflicts with the statutory prohibition and controlling appellate case law (Christopher K. v. Markaa S., 233 Ariz. 297 (App. 2013); DeLuna v. Petitto, 247 Ariz. 420 (App. 2019)).
2. Failure to Make Required Findings
 - o A.R.S. § 25-403(A)(8) requires the court to make specific findings regarding the effect of domestic violence on the child's best interests.
 - o No such findings were entered in the ruling, violating Arizona law and appellate precedent.
3. Appearance of Bias / Disregard of Victims' Rights
 - o The court minimized my victim status and gave parental authority to the documented abuser.
 - o This undermines the constitutional and statutory rights of victims of domestic violence to be protected and to have their evidence fully considered.

Why This is Misconduct
 While judges have discretion in custody cases, they are bound to apply statutory mandates and protect v