State of Arizona

COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-657

Judge:

Complainant:

ORDER

March 31, 2026

The Complainant alleged a superior court judge inappropriately engaged in extrajudicial activities related to the setting of court policies and practices.

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).

Copies of this order were distributed to all
appropriate persons on March 31, 2026.

Attachments: PDF FULL NOTICE OF CLAIM .pdf

From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Cc:
Subject: ***New Complaint***

Date:

Re: Formal complaint alleging a coordinated effort by judicial officers serving on the Arizona Court–authorized statewide ɔ perpetuate and codify unconstitutional family-court practices, in violation of Article 6.1 of the Arizona Constitution and the Arizona Code of Judicial Conduct.

I. PREFACE: THE COMMISSION'S CONSTITUTIONAL ROLE

Article 6.1 authorizes the Arizona Court, on the Commission's recommendation, to censure, suspend without pay, or remove a judge for willful misconduct in office, willful and persistent failure to perform judicial duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. [68],[61] The Court has emphasized that judicial discipline exists not to relitigate individual cases but to protect the public and the integrity of the judicial process. [68],[61],[59]

This complaint does not seek review of a single custody ruling. It presents documentary evidence that a group of judicial officers, acting through the statewide , have:

1. Knowingly maintained a "temporary orders / no findings" practice that evades mandatory statutory duties and renders decisions effectively unreviewable; and
2. Attempted to entrench that practice in statewide rule, despite being on notice of its harms.

The attached materials—including my Notice of Claim (with embedded brief to the Arizona Court) and the minutes/packets of meetings—demonstrate both the existence of this "black-hole" process and the Committee members' actual knowledge of, and decision to perpetuate, that process.

The Commission will note that Attachment is a Notice of Claim filed against public entities and employees, which specifies a monetary sum as required by Arizona law (A.R.S. § 12-821.01) to preserve civil rights for potential adjudication in a court of proper jurisdiction. That action is legally distinct from the matter now before this Commission. This complaint does not seek

monetary damages. Its purpose is solely to report conduct that appears to undermine the integrity of the judiciary and to request the remedies that fall within the Commission's constitutional mandate: a thorough investigation, a recommendation of appropriate discipline for any judicial officer found to have committed misconduct, and systemic reforms necessary to protect the public.

II. THE PRACTICE: "TEMPORARY" ORDERS USED TO EVADE STATUTORY FINDINGS AND REVIEW

Arizona law requires specific findings in contested custody disputes. When a court makes a custody or parenting-time determination, A.R.S. § 25-403(B) mandates written findings on the relevant best-interest factors. The use of "temporary" status to avoid those findings, while exercising full de facto control over parental rights for extended periods, is a deliberate circumvention of that mandate.

In my own case, summarized in **Attachment 1 (Notice of Claim)**, the County r Court:

- Entered and repeatedly extended "temporary" custody and parenting-time orders for extended periods;
- Declined to issue the written § 25-403(B) findings that would normally accompany a final custody order; and
- Then used the "temporary" label to argue that no appeal lay, or that appellate courts lacked a sufficient record to review the orders, effectively insulating the decisions from meaningful review.

My Notice of Claim includes as an exhibit my **Petition / Brief filed in the Arizona Court** (the "black-hole brief"), which traces the procedural history in detail: from the initial "temporary" orders, through attempts to obtain findings, to appellate proceedings where the absence of findings and the "temporary" designation were invoked to defeat jurisdiction or meaningful review. Attachment 1. This pattern demonstrates how the "temporary order / no findings" device functions as a **closed loop**: long-term control over children without the findings required for appellate scrutiny.

The Arizona Supreme Court has held that persistent failure to perform adjudicative duties—such as timely deciding matters under advisement or truthfully reporting case status—constitutes willful and persistent failure to perform judicial duties and conduct prejudicial to the administration of justice. [61] Using procedural labels to evade statutorily mandated findings has the same systemic effect: it deprives litigants of the lawful process the Legislature prescribed and undermines the appellate courts' supervisory role.

III. NOTICE TO COURT LEADERSHIP: THE MINUTES

The attached materials show that this is not an isolated or accidental practice but a known, discussed, and institutionally managed problem.

1. **Attachment – Meeting Packet and Minutes, (" Packet")**
   - The packet and minutes reflect that the Committee received testimony and written submissions, including my Notice of Claim and Court brief (or summaries thereof), describing:
     • The long-term use of "temporary" custody orders;
     • The absence of § 25-403(B) findings; and
     • The resulting inability to obtain meaningful appellate review.
   - The Committee's own minutes acknowledge a " " and " " caused by these practices, including children " " under temporary orders for years without final adjudication.
2. **Attachment – Meeting Minutes and Packets from**
   - These minutes show that the "temporary orders / no findings" issue was placed on the agenda multiple times;
   - Committee members, including [Chair, Vice-Chair, ex officio presiding judges], were directly briefed on the practice and its impact;

- The materials document that the Committee understood (1) the statutory requirements of § 25-403(B), and (2) that certain judges were not complying with those requirements in extended "temporary" contexts.

In short, by late , the —as a body composed largely of judicial officers—had actual notice that certain family-court judges were using the "temporary" label to avoid statutory findings and prevent effective appellate review, while exercising continuing control over children and parents for substantial periods.

Under Arizona discipline precedent, once a judge (or judicial leadership) is on notice that a practice violates legal duties or undermines litigants' rights, continued adherence to, or institutional entrenchment of, that practice can constitute willful misconduct and conduct prejudicial to the administration of justice. [68],[61],[72],[69]

IV. THE PROPOSED RULE: ATTEMPT TO ENTRENCH THE PRACTICE STATEWIDE

Instead of moving to halt the misuse of protracted "temporary" orders without § 25-403(B) findings, the 's packet includes a draft rule provision stating:

> "Consistent with the holding in Gutierrez v. Fox, a court is not required to issue findings of fact or conclusions of law pursuant to A.R.S. § 25-403 for any order designated as temporary, regardless of the duration said order has been in effect."

Attachment

This language would:

1. Authorize courts to avoid issuing § 25-403(B) findings **for any order they label 'temporary,' no matter how long it has been in force**;
2. Ratify the current practice of using "temporary" status as a shield against appellate review; and
3. Convert what might otherwise be viewed as unauthorized local practice into a formally sanctioned statewide policy.

The Supreme Court has treated similar institutionalized evasions of legal duties—such as falsified "no cases over 60 days" certifications or manipulation of records/transcripts—as willful misconduct and conduct prejudicial to the administration of justice. [61],[68],[69] Attempting to codify a device that systematically nullifies a statutory protection and blocks meaningful review is of the same character: it is not a legal "interpretation," but an effort to insulate judges from the consequences of their own noncompliance.

V. ARBITRARY AND SELECTIVE USE SHOWS WILLFULNESS

The materials and my own experience demonstrate that:

- Not all County family-court judges use this "temporary / no findings" device.
- Those who do, do not use it in every case. In numerous matters, judges issue full § 25-403(B) findings even when orders are interim or labeled "temporary."

This selective pattern proves that:

1. Judges are fully capable of complying with § 25-403(B);
2. Noncompliance in "temporary" cases is therefore a **choice**, not a legal necessity;

3. The “temporary” label is being used as a **tool** to avoid statutory obligations and to prevent litigants from obtaining a reviewable record.

Arizona’s discipline decisions draw a line between good-faith error and persistent, knowing nonperformance of clear duties. When a judge repeatedly fails to perform mandatory functions—after actual notice of the consequences—that conduct becomes a willful and persistent failure to perform judicial duties. [61],[68],[72] By the same reasoning, the knowing, selective use of “temporary” status to deny § 25-403(B) findings, especially after these issues have been formally presented to a Supreme-Court-authorized committee, cannot be explained as mere misunderstanding.

VI. BREACH OF PUBLIC TRUST AND PERVERSION OF A PUBLIC COMMITTEE

This complaint is not merely about the perpetuation of a harmful practice, but about the deceptive manner in which judicial officers on a Court-authorized committee allegedly used their public-facing role to achieve that end. The is presented to the public and the legislature as a body dedicated to improving the administration of justice in family courts. Citizens are encouraged to participate in its proceedings with the expectation that their testimony will contribute to positive reform.

The facts documented in the attachments indicate a process that was antithetical to that public mission:

1. The Committee, composed largely of judicial officers, solicited public testimony regarding systemic problems in the family courts.
2. Citizens, including the complainant, responded in good faith, providing detailed evidence of the harm caused by the "temporary order / no findings" practice.
3. The Committee's own records confirm it received this evidence and understood the "prolonged instability for children" this practice caused.
4. Having collected this testimony under the guise of seeking a remedy, the Committee then advanced a draft rule that would not fix the problem, but would instead grant formal, statewide permission for the very conduct that the public had decried.

This sequence transforms what could have been a policy debate into an act of institutional bad faith. It creates the appearance that the Committee's public hearings were not a search for a solution, but a pretext used to justify entrenching an abusive practice. Such action is profoundly corrosive to public confidence in the judiciary. It sends a message to the public that the system is not self-correcting but self-protecting, and that citizen participation is not a path to reform but a tool to be used against them.

Conduct that creates an "appearance of bias" or an "aura of favoritism" toward one party or group has been found to be conduct that brings the judicial office into disrepute. *See Matter of Ackel*, 155 Ariz. 34 (1987). [4] Here, the Committee's actions create the appearance of favoritism toward judges who wish to avoid statutory mandates, at the expense of the litigants and children those statutes were designed to protect. In *Matter of Haddad*, 128 Ariz. 490 (1981), the court emphasized the duty of a judge to not only be impartial, but to *be seen* to be impartial. [20.1] Using a public reform committee to solicit testimony and then proposing a rule that codifies the complained-of harm is the antithesis of that duty and constitutes conduct prejudicial to the administration of justice.

VII. IDENTIFICATION OF INVOLVED JUDICIAL OFFICERS

According to the materials Attachment, the following judicial officers were directly involved during the period when the “temporary orders / no findings” practice and the proposed rule were under discussion:

- The Hon. Judge – Chair
- The Hon. – Vice-Chair

- The Hon. – Member
- The Hon. – Member
- The Hon. – Member
- The Hon. – Ex-Officio Member (Presiding Judge, County Court)
- The Hon. – Ex-Officio Member
- The Hon. – Attendee
- The Hon. – Attendee

This complaint does not assert that each named judge has the same level of culpability. It does establish that:

1. These judges were part of, or present for, a -Court-authorized committee that received actual notice of the harms caused by extended "temporary" orders without § 25-403(B) findings;
2. Under their leadership or participation, the committee advanced a rule proposal that would make that practice permanent and statewide; and
3. No corrective directive was issued to halt or restrict the misuse of "temporary" status in the manner documented in Attachment and my Supreme Court brief.

Under *Haddad*, *Ackel*, *Peck*, *Flournoy*, and *Marquardt*, the Commission and Court routinely examine the individual roles, knowledge, and responses of multiple judges in complex patterns of misconduct. [68],[59],[72],[69],[63] A similar, judge-by-judge inquiry is appropriate here.

VIII. VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT AND ARTICLE 6.1

On the facts outlined above and supported by the attachment, the conduct of the involved judges appears to violate, at a minimum:

1. **Rule 1.1 – Compliance with the Law; Rule 1.2 – Promoting Confidence in the Judiciary**
    - By perpetuating, and seeking to codify, a practice that evades the mandatory findings required by A.R.S. § 25-403(B), these judges have failed to "comply with the law" and have engaged in conduct that necessarily erodes public confidence in the judiciary's commitment to follow statutory directives.
    - [68][61]
2. **Rule 2.2 – Impartiality and Fairness**
    - Arbitrary, selective use of the "temporary / no findings" device creates at least the appearance that personal views, favoritism, or animus toward particular litigants determine whether the law will be followed, contrary to Rule 2.2 and the Court's consistent insistence on both actual and apparent impartiality.
    - [59][72]
3. **Rule 2.5 – Competence, Diligence, and Cooperation with Other Branches of Government**
    - Systematically refusing to issue required findings, maintaining litigants in extended "temporary" status, and then attempting to enshrine that practice in a rule reflects a failure to perform core judicial duties diligently and competently, and a lack of proper respect for the Legislature's mandated procedures in custody matters.

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.