

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-007

Judge:

Complainant:

ORDER

May 26, 2026

The Complainant alleged a superior court judge made findings without support, refused to admit relevant evidence, failed to make required findings, and engaged in disparate treatment 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 does not have jurisdiction to overturn, amend, or remand a judicial officer's legal rulings. 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 May 26, 2026.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2026-007

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 complaint concerns judicial conduct in _____ County Court, Family Court, Case No. _____
over which The Honorable _____ presided.

This complaint is not an appeal and does not seek reversal of any court order. It is submitted to report concerns regarding procedural fairness, evidentiary handling, and impartial application of governing law in a case affecting fundamental parental rights and child safety.

I. NATURE OF THE CONCERNS

During the proceedings, the Court excluded material, safety-related evidence offered by Petitioner while simultaneously maintaining unsupported findings against Petitioner and issuing a dispositive custody ruling. The cumulative effect of these actions deprived Petitioner of a meaningful opportunity to be heard and created an appearance of unequal treatment inconsistent with judicial obligations of fairness and impartiality.

II. SUBSTANCE-ABUSE FINDINGS WITHOUT EVIDENTIARY SUPPORT

Petitioner was accused of substance abuse during the proceedings. In response, Petitioner passed all court-ordered drug testing, received a written determination from a Medical Review Officer confirming that the results were consistent with a valid prescription and did not indicate substance abuse, and submitted multiple letters and records from her prescribing physician confirming lawful use, medical necessity, and compliance.

No contrary expert testimony, toxicology evidence, or admissible proof of substance abuse was presented.

Despite this uncontested record, the Court maintained substance-abuse findings and imposed severe parenting-time restrictions against Petitioner. Maintaining findings that directly contradict uncontroverted medical and expert evidence raises serious due-process and impartiality concerns.

III. REFUSAL TO ADMIT MATERIAL SAFETY EVIDENCE

Petitioner attempted to present evidence directly relevant to custody, parenting time, and the child's safety, including evidence of domestic violence and child endangerment and evidence that the Respondent father was on active criminal probation at the time of the proceedings.

The Court refused to admit or meaningfully consider this evidence, preventing it from becoming part of the evidentiary record.

Despite excluding this material safety evidence, the Court proceeded to award Respondent sole custody and impose extreme parenting-time restrictions against Petitioner. By foreclosing the admission of evidence central to child safety and best-interest determinations, the Court deprived Petitioner of a meaningful opportunity to be heard on issues fundamental to parental rights and the welfare of the child.



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IV. DISPARATE TREATMENT AND UNEQUAL SCRUTINY

While the Court excluded evidence unfavorable to Respondent relating to criminal probation and domestic violence concerns, it subjected Petitioner to heightened scrutiny and imposed severe restrictions based on unsupported substance-abuse allegations. This disparate treatment resulted in an imbalanced evidentiary record and creates an appearance of unequal application of evidentiary standards and selective scrutiny inconsistent with judicial neutrality.

V. FAILURE TO MAKE REQUIRED STATUTORY FINDINGS

In awarding sole custody and restricting parenting time, the Court failed to make specific findings required under A.R.S. § 25-403, including findings demonstrating how child safety and best interests were evaluated based on admitted evidence. Issuing a dispositive custody order on a truncated record without addressing excluded safety concerns undermines confidence in the fairness and integrity of the proceedings.

VI. POST-JUDGMENT PROCEEDINGS

Petitioner filed post-judgment motions, including a Motion for Reconsideration and Rule 85 relief, identifying the refusal to admit material safety evidence, the lack of evidentiary support for substance-abuse findings, and resulting due-process concerns. On _____, the Court denied reconsideration without addressing these procedural and evidentiary defects, leaving unsupported findings intact and necessitating appellate review.

VII. CONTINUING CONSEQUENCES OF THE COURT'S RULINGS

During a subsequent hearing, the Court stated on the record that it did not wish to keep a mother from her child solely due to the lawful use of prescribed medication. Nevertheless, after receiving hair-follicle test results reflecting only Petitioner's prescribed medications and no illicit substances, the Court maintained substance-abuse findings and left intact the order awarding Respondent sole custody. As a result of this ruling, Petitioner has been deprived of all meaningful contact with her child. Respondent has exercised unilateral control over communication and access, effectively preventing Petitioner from maintaining a relationship with the child. While Petitioner understands that enforcement issues are ordinarily addressed in family court, the Court's decision to issue and maintain a dispositive custody order based on unsupported findings, after excluding material safety evidence, has had the practical effect of legitimizing and entrenching Respondent's control. The ongoing deprivation underscores the serious and foreseeable consequences of issuing custody orders on an incomplete and imbalanced evidentiary record, particularly in matters affecting a child's long-term welfare and relationship with a fit parent.

VIII. PURPOSE OF THIS COMPLAINT

This complaint is submitted in good faith to request review of the judicial officer's conduct and to determine