

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-060

Judge:

Complainant:

ORDER

February 8, 2023

The Complainant alleged erroneous rulings by a superior court judge hearing a family 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).

Commission member Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 8, 2023.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2022-060

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.

two Seperate complaints

1. Family court ruling violated my parent rights of discretion and in error of law "see motion to reconsider" which was dismissed without reason
2. has continued to violate and allow Mother to violate my rights and refuse parent time proof and documentation was provided and mother admitted refusing parent time Since may did not hold her in contempt or enforce parent time

(Audio From court)

- Did not Find mother in contempt for refusing parent time saying Since I did not contact moms two suggested providers she wasn't in contempt. However the (Audio From court hearing proof) of me explaining I DID contact them and again told at end of hearing She was incorrect But says oh well we are out of time my decision stands

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.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

In re the Matter of:

MOTION FOR PARTIAL RECONSIDERATION

(Assigned to the Honorable

Respondent.

1

1 party's children to mother; and abused judicial discretion in ordering supervised parenting
2 access with the children.

3 Father alleges and believes the discretion has occurred and that the court has
4 committed an error of law in reaching its discretionary decision herein as the record does
5 not support the courts decision.
6

7 Father appreciates the courts declaration that in making its legal decision-making
8 and parenting time determination that as a public policy, absent evidence to the contrary,
9 that it is in the children's best interest to have substantial, frequent, meaningful and
10 continuing parenting time; and for both parents to participate in the decision-making about
11 their children (ARS § 25-103(B)).
12
13

14 **FACTUAL BACKGROUND**

15
16 1. In a contested legal decision-making and parenting-time case as exists here,
17 the Court must determine the children's best interest in accordance with
18 A.R.S. § 25-403. Section 25-403(A)(8) requires the court to consider whether there
19 has been pursuant to § 25-403.03.
20

21 2. In determining whether a party had committed an act of
22 the court considered the seven (7) factors set forth in A. R. S. § 25-403.03 (C)(4)
23 wherein four (4) had no credible evidence presented. The police report alleging
24 strangulation and biting upon mother caused father to be arrested and jailed for a
25 short period then being released without any formal charges being brought. Father
26 denied any strangulation or assault of mother and the same report undertaken by
27 the police authority did not indicate any signs of abuse or strangulation and the
28

1 forensic nurse reported no source of the alleged injury could be validated with
2 immediate certainty or any physical evidence. In contrast father indicated during
3 their relationship that mother was combative, abusive, hitting and scratching
4 father's physical person. Both father and mother testified to abuse of each other
5 however father denies intentionally causing any physical injury to mother and
6 although pleading guilty to a misdemeanor charge of interference with a judicial
7 proceeding, upon requesting hearing at the protection court dismissed the
8 underlining order of protection. Notwithstanding this court based upon the seven
9 (7) factors identified entered a finding that father had engaged in acts of domestic
10 violence against mother.
11

12
13 3. The court announced that based upon its consideration of the factors set
14 forth in A.R.S. § 25-403.03 (C) a determination that [redacted] had engaged
15 in acts of [redacted] against [redacted] The court further announced
16 that though the court by no means condones the actions found in this case, those
17 acts in the spectrum of domestic violence do not constitute significant as
18 contemplated by the statute. Therefore, the court finds that [redacted] has not
19 engaged in significant [redacted] such that the prohibition of awarding joint
20 legal decision-making authority does not apply (A.R.S. § 25-403.03.)
21

22
23 4. Notwithstanding its finding that Petitioner [redacted] had not engaged in
24 significant [redacted] the court also considered the provisions of A.R.S §
25 25-403 (D) which provides that a parent who is seeking sole or joint decision-
26 making authority when the court determines that parent having committed an act of
27 [redacted] against the other parent, there arises a rebuttable presumption
28

**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.**