

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-285

Judge:

Complainant:

ORDER

May 25, 2023

The Complainant alleged a superior court judge made improper legal rulings in a family court 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 members Denise K. Aguilar and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 25, 2023.

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

FOR OFFICE USE ONLY

2022-285

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.

In Judge _____ made a decision in family court case _____ in which he picked a school, _____ in _____ for a minor child, _____. In his ruling, he stated that _____ should be in a school halfway between his parents homes, the school should have a "gifted program" and he should be enrolled in the school beginning in _____. Throughout this case, Judge _____ did not hear any arguments or take any evidence on school choice. Nor did he hear any argument or take any evidence on the on the minor child's needs/interests in education or extracurricular activities. Despite having not having the necessary information to make such a big decision, Judge _____ unilaterally picked _____ s for the next _____ of his life. _____ is incredibly intelligent, _____, is interested _____, and he has an expressed interest to _____. Since Judge _____ did not take any evidence on _____ he didn't know any of this. Had Judge _____ taken any evidence on _____ or schools, he would have known that _____, doesn't offer any of those things, nor is it "gifted", nor did they have an available spot for him to start there in _____. They do not offer practical electives like engineering, robotics, wood shop, cooking and others. These are all things _____ was interested in taking in school, but can't participate in as a part of his education now, because of Judge _____ ruling.

Also as a result of Judge _____ ruling, _____ had to forfeit his summer break, as _____ required him to go to summer school. Again, had Judge _____ taken evidence, he would have known this as well. _____ had expressed multiple times that he doesn't want to do summer school, but he was stuck with it because of Judge _____ ruling.

It's not clear what Judge _____ process was to arrive at this decision. He offered no details. A comprehensive family evaluation report submitted to him determined that _____ needed to be placed in a school that was gifted, and halfway between his parent's houses. Judge _____ also mentioned this in his minute entry and agreed with the recommendation. He asked for a list of 2 school from each of his parents, and chose from that list. Nobody knows how or why he made his decision. Judge _____ defied his own thoughts recommendation and orders because _____ is not a gifted school. That was clearly covered during oral arguments, yet Judge _____ paid it no mind. As mentioned before, he also ruled _____ would start there in _____ as his then current school was not in his best interest. _____ had a _____ waiting list at the time, a fact that Judge _____ was told during trial. _____ was not able to admit _____ in _____ because of the waiting list, _____ then was forced to remain in a school that Judge _____ and the comprehensive family evaluation both said was not in best interest., thereby rendering his ruling impossible to fulfil and nonsensical.

Judge _____ was arrogant and reckless in his poorly thought out decision to put _____ in this school. _____ has now missed on his summer break, he won't be able to participate in _____ as part of school ever again, nor will he be able to participate in the types of classes he wants to. How could a decision like this possibly be in his best interest? Judge _____ was required by law to rule in the best interest of the child and he failed to do so. _____ is going to be _____. He has no say in the matter and just has to go along with the sad fact that somebody who doesn't care about him and knows nothing about him gets to make life altering decisions for him. This is not okay. _____ is now in counseling as a part of all this litigation. He has expressed sadness to his counselor about being forced into summer school and not being able to participate _____. If the purpose of a judge in family court is to consider the best

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interest of the child and avoid future litigation, then Judge _____ failed. Unfortunately, as a result of this decision, _____ will be in this school for the next _____ unless there is further litigation. Judges should not be allowed to make decisions like this without taking any evidence. He opined in trial that neither of _____ parents had _____ best interest in mind and criticized them both because of it. His ruling is effectively saying because of that opinion, he is the only one who can pick a school for _____ All his ruling did was create a bigger problem for _____ that will require more litigation. That is the complete opposite of what Judge _____ claimed he was doing. There is nothing now that can be done about this nonsensical ruling, but I hope this commission can see what happened here and institute measures to prevent judges from being able to do this to a child again.