

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-237

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Judge:

Complainant:

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**ORDER**

October 13, 2023

The Complainant alleged unfair rulings by a superior court commissioner 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).

Commission members Barbara Brown and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on October 13, 2023.

**Attachments:**

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**From:**

**Sent:**

**To:** Commission on Judicial Conduct

**Cc:**

**Subject:** Complaint Add Request

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Commission,

I would like to add another Officer of the Division in this ongoing investigation. I am dealing with more discrimination and being lied too by the court of Commissioner Court. Commissioner is assisting in keeping the mom is keeping my son away and denying any of my requests or concerns of mom with statements of " ," but mom is asking the same question of me and it's allowed. This court also in entered a minute entry stating without my permission or knowledge that I agreed to a parent plan which was not discussed or submitted to me for review but stated in Minute entry both parties which seems the parties are the Court and the Mom agreement not father and mom. Commissioner also this week just allowed the mom counsel to send me an email I didn't see as an official filing of a petition instead of following the proper filing procedures set by Arizona law. also was inclined to state after setting trial it would be set based on the outcome of another division case matter.

Please see the attachment.

Thank you, Keep Safe and have a Blessed Weekend.



ARIZONA  
COUNTY

HONORABLE

CLERK OF THE COURT

Deputy

IN RE THE MATTER OF \_\_\_\_\_

AND

MINUTE ENTRY

Courtroom

This is the time set for a Status Conference for the purpose of addressing any written request for a mental health evaluation (if it has not already been ruled upon), reviewing the supplemental CAA report if it is available, and determining if the case is ready for trial. Petitioner, \_\_\_\_\_ is present with above-named counsel. Respondent, \_\_\_\_\_ is not present or represented. \_\_\_\_\_, Court Appointed Advisor, is present on her own behalf. All parties appear via the Court Connect platform.

A record of the proceedings is made digitally in lieu of a court reporter.

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**THE COURT FINDS** that Respondent had notice of today's hearing and has failed to appear and has not contacted this Division to offer any reason for his failure to appear. The Court will proceed in Respondent's absence.

Discussion is held regarding the status of a release for Respondent's mental health records and updates from the Court Appointed Advisor.

Respondent, \_\_\_\_\_ appears on his own behalf.

Discussion is held regarding Mother's Request for a Mental Health Evaluation, filed on \_\_\_\_\_

**IT IS ORDERED** granting Petitioner's Request for Mental Health Evaluation of Respondent.

**IT IS FURTHER ORDERED** Respondent shall obtain a Mental Health evaluation by \_\_\_\_\_

Both parties agree that a trial of \_\_\_\_\_ hours is sufficient to resolve all of the remaining issues in this case.

**IT IS FURTHER ORDERED** setting Trial to the Court regarding Mother's Petition to Modify Legal Decision-Making, Parenting Time and Child Support on \_\_\_\_\_  
(time allotted: \_\_\_\_\_ hours) before: \_\_\_\_\_

**IT IS FURTHER ORDERED** Court Appointed Advisor, \_\_\_\_\_ may appear virtually via the Court Connect platform.

Please join my meeting from your computer, tablet, or smartphone.

Commissioner \_\_\_\_\_ Courtroom on Microsoft Teams ("Court Connect")



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**All witnesses must appear on video using the above link.**

**You can also dial in using your phone.**

Phone: \_\_\_\_\_ and Conference ID: \_\_\_\_\_

When you join the meeting, you will enter the “lobby”. Simply wait in the “lobby” until invited into the courtroom by the Court.

Use of the above link can be made easier by downloading the Microsoft Teams application first; for more on the new platform, including an introduction video and participant guide, please visit:

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Parties shall not file motions to compel or other discovery motions without prior permission from the Court. If the parties have a discovery dispute, they should file a motion to set a \_\_\_\_\_-minute status conference to bring the matter before the Court. If the Court is unable to resolve the dispute during the status conference, the Court will grant leave to file the motion to compel or other discovery motion.

Each party will be allowed \_\_\_\_\_ of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least \_\_\_\_\_ days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits by \_\_\_\_\_:

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2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least \_\_\_\_\_ days prior to trial.

3. Counsel and both parties shall personally meet, face to face, at least ten (\_\_\_\_) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

**JOINT PRETRIAL STATEMENT**

**IT IS ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pretrial Statement pursuant to Rule 76.1, Arizona Rules of Family Law Procedure, no later than \_\_\_\_\_. Failure to file such a statement could result in sanctions, including but not limited to exclusion of evidence and issues. The parties shall not file separate pretrial statements absent a showing of good cause.

**IT IS FURTHER ORDERED** that the following documents shall be filed:

1. Joint Pretrial Statement
  - a. If there are disputed legal decision-making (custody) or parenting time issues, a specific proposal for legal decision-making and parenting time.
  - b. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
  - c. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

**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.**