

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 23-335

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Judge:

Complainant:

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**ORDER**

February 12, 2024

The Complainant alleged a superior court judge did not follow correct procedures in 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 Regina L. Nassen did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on February 12, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2023-335

**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.

On \_\_\_\_\_, my attorney filed an emergency motion for temporary orders without notice pursuant to Family Law Rule 48 in the \_\_\_\_\_ County \_\_\_\_\_ Court in this case. The basis for the emergency motion was our minor daughter disclosed certain information to me about actions which happened to her while she was in the care and custody of the respondent. Based on our minor daughter's disclosures I contacted the law enforcement where we were staying in \_\_\_\_\_ and also the local law enforcement in \_\_\_\_\_ where the respondent lives in \_\_\_\_\_ County. Based on the information provided to local law enforcement in \_\_\_\_\_ County a criminal investigation was opened and is currently ongoing.

It is my understanding that on the same day, the legal assistant for my attorney emailed a courtesy copy of the motion to Judge \_\_\_\_\_ judicial assistant. It is my understanding that on \_\_\_\_\_ the legal assistant followed up in another email to the judicial assistant to confirm he received the motion. The same day, the judicial assistant confirmed, through email, the Court received the motion and the pleadings were currently before Judge \_\_\_\_\_. It is my understanding that several emails were then exchanged between the legal assistant and the judicial assistant in an attempt to coordinate a hearing date and time.

It is my understanding that on \_\_\_\_\_, and \_\_\_\_\_ the legal assistant emailed the judicial assistant to follow up on the status of the motion – there was no response to any of the emails.

On \_\_\_\_\_, respondent's counsel filed a response to the motion. On \_\_\_\_\_, my attorney filed a reply to the response.

On \_\_\_\_\_ a petition to modify parenting time and child support was filed with the Court.

On \_\_\_\_\_, my attorney filed a special action with \_\_\_\_\_ of the Arizona Court \_\_\_\_\_.

As of the date of this complaint, the Court has yet to set a hearing, grant, or deny the Rule 48 Motion. It is my understanding in the \_\_\_\_\_ County \_\_\_\_\_ Court, the judges customarily rule on Rule 48 Motions within \_\_\_\_\_ hours.

It is also my understanding that Rule 48 of the Rules of Family Law requires an evidentiary hearing be set within ten (10) days of filing the motion, unless good cause is shown to continue the evidentiary hearing. It appears the Court has failed to abide by the rules governing Family Law and the Court's failure to rule is not in the minor child's best interest.