

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-358

Judge:

Complainant:

ORDER

February 20, 2024

The Complainant alleged improper legal rulings by a superior court commissioner in a custody 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 20, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-358

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.

Please see the attached documentation.

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Pro per

COMMISSION OF JUDICIAL CONDUCT

Case No.:

PETITIONER,

JUDICIAL COMPLAINT

vs.

RESPONDENT

INTERVENOR

COMES NOW, _____, (“Intervenor”) with a Judicial Complaint to the Arizona Commission on Judicial Conduct regarding the judicial misconduct of Honorable _____, Commissioner of the _____ County Court, Judge Pro Temporer, as outlined by the Judicial Code of Conduct.

The following events occurred on the hearing date _____, and have been referenced in the order in which they occurred.

- (1) Judge _____, despite objection from Intervenor’s Attorney, allowed the Petitioner to admit into Court a witness list that had not been previously provided to the Intervenor, Intervenor’s attorney, or Respondent in this case.

1 a. According to Arizona Rules of Family Law Procedure Rule (ARFLP) 49

2 (i) Disclosure of Witnesses. Each party must disclose the names,
3 addresses, and telephone numbers of any witness whom the disclosing
4 party expects to call at trial, along with a statement fairly describing the
5 substance of each witnesses' expected testimony. The court may not
6 allow a party to call witnesses whom the party did not disclose at least 60
7 days before trial or by a different deadline ordered by the court.
8

9
10 b. ARFLP Rule 76.1 (h) Failure to list. A party may not present a witness
11 or offer an exhibit during trial other than those listed and exchanged in a
12 statement submitted before the scheduling conference or trial, unless the
13 court orders otherwise for good cause. The party waives the right to raise
14 an objection at the trial or hearing if the specific objection to a witness,
15 exhibit, or claim is not raised in the statement submitted pursuant to
16 section (f) of this rule.
17

18
19
20 c. Per the Judicial Code of Conduct RULE 1.1. Compliance with the Law:
21 A judge shall comply with the law, the Code of Judicial Conduct.
22

23 (2) Judge _____, despite objection from Intervenor's attorney, allowed the
24 Petitioner to admit into Court, two of the three exhibits, that had only previously
25 been provided to only the Intervenor's attorney and the Court, three days prior
26 to the _____ hearing.
27

- 1 a. According to ARFLP Rule 49 (b) (1) *Initial Disclosures*. Unless the parties
2 agree in writing or the court orders otherwise, every party must serve an
3 initial disclosure of information required under sections (d) through (k)
4 no later than 40 days after the filing of the first responsive pleading to a
5 petition.
6
- 7
- 8 b. According to ARFLP 49 (B) Time for Additional or Amended
9 Disclosures. A party must serve such additional or amended disclosure in
10 a timely manner, but in no event more than 30 days after the information
11 is discovered by, or is revealed to, the disclosing party. If a party obtains
12 or discovers information that the party knows or reasonably should know
13 is relevant to a hearing scheduled to occur in less than 30 days, the party
14 must disclose that information reasonably in advance of the hearing.
15
- 16
- 17 c. ARFLP Rule 76.1 (b) Timing. Unless the court orders otherwise, the
18 parties must file: (1) A scheduling statement 20 days before the date set
19 for a scheduling conference if one is set.; and (2) a pretrial statement 20
20 days before a trial.
21
- 22 d. ARFLP Rule 76.1 (h) Failure to list. A party may not present a witness
23 or offer an exhibit during trial other than those listed and exchanged in a
24 statement submitted before the scheduling conference or trial, unless the
25 court orders otherwise for good cause. The party waives the right to raise
26 an objection at the trial or hearing if the specific objection to a witness,
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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.**