

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 18-391

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Judge:

Complainant:

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**ORDER**

The Complainant alleged a superior court commissioner made incorrect legal rulings in a child support modification proceeding.

The responsibility of the Commission on Judicial Conduct is to impartially determine if a judicial officer engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the Commission is limited to this mission.

The Commission does not have jurisdiction to review the legal sufficiency of a judicial officer's rulings. In addition, the Commission found no evidence of ethical misconduct and concluded that the judicial officer did not violate the Code in this case. Accordingly, the Complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23(a).

Dated: April 18, 2019

Copies of this order were distributed to all appropriate persons on April 18, 2019.

*This order may not be used as a basis for disqualification of a judge.*

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2018-391

**COMPLAINT AGAINST A JUDGE**

Name: \_\_\_\_\_ Judge's Name: \_\_\_\_\_ Honorable

**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 \_\_\_\_\_ at \_\_\_\_\_ I met with my attorney, former spouse, and former spouses counsel in reference to a child support modification hearing. Prior to the hearing, we needed to meet with a mediator to see if we could come to an agreement prior to the hearing.

In the meeting with the mediator, we were told that since \_\_\_\_\_ " \_\_\_\_\_ " was voluntary and it would be counted in her calculation. " \_\_\_\_\_ " is scheduled monthly and has been a regular source of income for her since \_\_\_\_\_. On the contrary we stated in the mediation that my overtime is not \_\_\_\_\_. There was also a letter on \_\_\_\_\_ letterhead that stated " \_\_\_\_\_ ". The letter was written by \_\_\_\_\_ the \_\_\_\_\_ supervisor and it was entered as an exhibit.

When a compromise could not be made, we went into the court room. Once in the court room, we waited for Commissioner \_\_\_\_\_ to arrive. When he came in, we were told that there was only \_\_\_\_\_. This hearing had been scheduled for at least \_\_\_\_\_ and we were told there was not enough time allotted for the hearing to proceed with testimony from each party involved.

The case was taken " \_\_\_\_\_ " and concluded after each attorney made their statements.

On the ruling of the court dated \_\_\_\_\_ Commissioner \_\_\_\_\_ made his minute entry. The minute entry is attached. In the Minute Entry, Commissioner \_\_\_\_\_ only attributed \$ \_\_\_\_\_ per month (\$ \_\_\_\_\_ per year) as \_\_\_\_\_ income. Her payroll stub lists her annual income as being \$ \_\_\_\_\_ per year (\$ \_\_\_\_\_ per month). Both amounts are without the additional \$ \_\_\_\_\_ for \_\_\_\_\_ pay which she has been making since \_\_\_\_\_. There is a huge discrepancy in the amount that is supported by documentation and the amount that was actually attributed to her income.

My income ( \_\_\_\_\_ ) when calculated from my hourly rate is \$ \_\_\_\_\_. My monthly income is \$ \_\_\_\_\_. This amount is derived from the hourly rate on my pay stub. Commissioner \_\_\_\_\_ attributed \$ \_\_\_\_\_ towards my yearly income. Case precedence was cited on the motion to reconsider.

Commissioner \_\_\_\_\_ states that in the hearing, my counsel stated that I acknowledged that my overtime is a part of my job and " \_\_\_\_\_ ". On the contrary, my attorney stated that my overtime is not reliable and she entered the letter from our \_\_\_\_\_ supervisor as an exhibit. My

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overtime is very unpredictable as supported by \_\_\_\_\_ the \_\_\_\_\_ supervisor. With this ruling from the court, I am now required to work at additional hours of overtime to meet my minimum child support obligation.

Due to the above listed reasons, on \_\_\_\_\_ my attorney filed a motion to review/new hearing (also attached). This motion was supported by case precedence and brought up the issues with the calculation of \_\_\_\_\_ income being grossly understated. The Motion to review was met with a one or a new hearing."

In the motion to review, we also asked for the commissioner to make a ruling on a previous deviation from the original child support order in \_\_\_\_\_. The deviation dealt with separating out \_\_\_\_\_. With the new order, paying the full child support amount, he remained silent on the request to place both \_\_\_\_\_ back under child support where they are usually paid. This amount is in addition to a \_\_\_\_\_ child support amount that we are requesting be placed back under child support since the deviation is no longer being used. This was not addressed and the court remained silent.

All of the supporting documents that were received and filed to the court are attached to this request for Judicial Review.