

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 24-151

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Judge:

Complainant:

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**ORDER**

July 23, 2024

The Complainant alleged a superior court judge exhibited bias by ordering child support payments and legal fees punitively.

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).

Copies of this order were distributed to all appropriate persons on July 23, 2024.

**CONFIDENTIAL**

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

**FOR OFFICE USE ONLY**

2024-151

**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 husband was to appear in court for a hearing regarding a motion for contempt of not being able to provide alimony/child support during the time of his unemployment. My husband lost his job in \_\_\_\_\_ of \_\_\_\_\_ and was not able to begin employment and receive pay until late \_\_\_\_\_ During this time, my husband filed a motion in court asking for a modification due to his unemployment. This motion was filed with the court in \_\_\_\_\_ of \_\_\_\_\_ through \_\_\_\_\_ lawyer, \_\_\_\_\_ During the court proceeding the tax records were submitted to the court. Of which, I received compensation for the year of \_\_\_\_\_ of approximately \_\_\_\_\_ During this same time period received compensation of \_\_\_\_\_ from his employment with \_\_\_\_\_ and later received compensation from \_\_\_\_\_ for the total of \_\_\_\_\_ Of which a total of \_\_\_\_\_ has been paid to \_\_\_\_\_ for child support and alimony. During this proceeding the judge looked up at me in the back of the court showing prejudice during the proceeding. During these proceedings the motion for his modification was thrown out by the judge without explanation. This hearing should have been postponed until the modification could be reviewed due to the lack of income during this period of \_\_\_\_\_ months and therefore should have been modified to minimum wage for the duration of his unemployment. In her response dated \_\_\_\_\_ she ruled that my husband is to pay the full amount of child support during his unemployment totaling an amount of \_\_\_\_\_ plus all attorney fees. Given this ruling it is clear that the judge did not take into consideration that during this period he had no income and she is clearly ruling that it is my responsibility as his new wife to pay this amount from my income/assets. Given this, I am filing a complaint due to the fact that the judge by law is not allowed to take into consideration in her ruling my income or my assets. Additionally, it should be noted that \_\_\_\_\_ has means to support herself during unemployment. \_\_\_\_\_ is paid as a provider by the State of Arizona as a caregiver and is paid her hour and is compensated for all time spent with HER daughter \_\_\_\_\_ (24 hours a day, seven days per week). This total compensation to her home amounted to \_\_\_\_\_ x \_\_\_\_\_ weeks. Totaling \_\_\_\_\_ This ruling is punitive in nature toward me given that I will need to not only pay this ruling out of my income but also has been required to support my husband during this time which has included all of his legal fees for this proceeding. I would like to state for the record that my income/assets will not be used to pay \_\_\_\_\_ It should also be documented that \_\_\_\_\_ assaulted both my husband and myself at our property during this time period and subsequently plead guilty to not only assault but also DUI. It was clear during these proceedings that Judge \_\_\_\_\_ has not only made a ruling against my income (which is against the law in the state) but additionally has shown gender bias in her ruling.

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COURT OF ARIZONA  
COUNTY

CLERK OF THE COURT

HONORABLE

Deputy

IN RE THE MATTER OF

AND

JUDGE

**UNDER ADVISEMENT RULING**

The evidentiary hearing in this matter was conducted on . The Court has since considered the evidence, including the demeanor of the witnesses, reviewed the exhibits as well as the case history, and considered the parties' arguments. The following evidence was presented at trial.

**BACKGROUND AND TRIAL EVIDENCE**

The parties were married and have one child. The parties were divorced by decree in . At that time the Court ordered Father to pay spousal maintenance to Mother in the amount of per month for a period of ( ) months. Father was ordered to make child support payments of per month. Father received a copy of the order from

On , Father filed both a *Petition to Modify Spousal Maintenance* and a *Petition to Modify Child Support*. Father lost his employment on , and stated that due to his loss of income, he did not expect to remain current on spousal maintenance and child support. Trial was set on both the *Petition to Modify Spousal Maintenance* and *Petition to Modify Child Support* for . After trial was set, on , Mother filed her *Petition to*

COURT OF ARIZONA  
COUNTY

*Enforce Child Support and Spousal Maintenance Orders and For Order to Show Cause re: Contempt.*

On \_\_\_\_\_ the parties filed a *Joint Notice of Settlement and Request to Vacate the Evidentiary Hearing Scheduled for \_\_\_\_\_ at \_\_\_\_\_*. The notice stated that parties had reached a full agreement and asked to vacate trial on \_\_\_\_\_. Thus, the only remaining petition was Mother's *Petition to Enforce Child Support and Spousal Maintenance Orders and for Order to Show Cause re: Contempt* filed \_\_\_\_\_.

Father was served with this Petition on \_\_\_\_\_. Both parties appeared for trial. Mother argued the Father filed the prior petitions to modify in bad faith. Father filed his petitions to modify in \_\_\_\_\_ and received his first paycheck soon thereafter demonstrating his unemployment was short-lived. Father admitted to failing to being in arrears on his support obligations. Father's testimony regarding his employment was inconsistent.

The child support arrears calculation reflects that Father is in arrears of \_\_\_\_\_ in principal and \_\_\_\_\_ in interest for the time period of \_\_\_\_\_ to \_\_\_\_\_. The spousal maintenance arrears calculation reflects that Father is in arrears of \_\_\_\_\_ in principal and \_\_\_\_\_ in interest for the time period of \_\_\_\_\_ to \_\_\_\_\_.

**ENFORCEMENT/CONTEMPT**

To find Father in contempt, the Court must determine: (1) whether Father had notice of the Petition and the Order to Appear; (2) whether the Court entered a prior order; (3) whether Father had notice of the prior order; (4) whether Father failed to comply with the prior orders; and if the answers to these four questions are "yes", then (5) whether Father established that his failure to comply with the prior orders was not willful.

The parties' decree ordered Father to pay spousal maintenance to Mother in the amount of \_\_\_\_\_ per month for \_\_\_\_\_ months. Child support was ordered to be paid by Father monthly in the amount of \_\_\_\_\_. Father was aware of the prior order and Father admits that he is in arrears. Father has failed to comply with the prior order and he has not established that his failure to comply was not willful.

**IT IS ORDERED** finding Father in contempt for his failure to pay child support and spousal maintenance.

**IT IS FURTHER ORDERED** entering judgment against Father, \_\_\_\_\_, and in favor of Mother, \_\_\_\_\_, in the amount of \_\_\_\_\_ (principal) and \_\_\_\_\_ (interest) owed in child support arrears from the time period of \_\_\_\_\_ to \_\_\_\_\_.

COURT OF ARIZONA  
COUNTY

**IT IS FURTHER ORDERED** entering judgment against Father, \_\_\_\_\_, and in favor of Mother, \_\_\_\_\_, in the amount of \_\_\_\_\_ (principal) and \_\_\_\_\_ (interest) owed in spousal maintenance arrears from the time period of \_\_\_\_\_ to \_\_\_\_\_.

**ATTORNEY'S FEES AND COSTS**

Both parties seek an award of attorney's fees in this matter. As a sanction for Father's contemptuous conduct,

**IT IS THEREFORE ORDERED** granting Mother's request for attorney fees and costs.

**IT IS FURTHER ORDERED** that Father shall pay a portion of Mother's reasonable attorney fees and costs. Not later than \_\_\_\_\_ counsel for Mother shall submit all necessary and appropriate documentation to support an application for an award of attorney fees and costs, including a *China Doll* Affidavit and a form of order. By no later than \_\_\_\_\_ Father shall file any written objection. If Mother fails to submit the application by \_\_\_\_\_, no fees or costs will be awarded. The Court shall determine the award and enter judgment upon review of the Affidavit as well as any objections.

**ADDITIONAL ORDERS**

The Court still must decide the amount of attorney fees and costs to be awarded. Notwithstanding the outstanding attorney fees and costs issue, pursuant to Rule 78(B), Arizona Rules of Family Law Procedure, the Court expressly determines that no just reason for delay exists and directs the entry of this minute entry as a final, appealable order.

**IT IS ORDERED** affirming all Orders currently in place, except as expressed herein.

**IT IS FURTHER ORDERED** denying any affirmative relief sought before the date of this Order that is not expressly granted above.

**IT IS FURTHER ORDERED** signing this minute entry as a formal written Order of the Court.

*L&L*  
HONORABLE \_\_\_\_\_  
JUDGE OF THE \_\_\_\_\_ COURT

All parties representing themselves must keep the Court updated with address changes.