

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-036

Judge:

Complainant:

ORDER

April 14, 2026

The Complainant alleged a superior court judge improperly calculated child support.

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 Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on April 14, 2026.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2026-036

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 attached

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Judicial Conduct Complaint (Overtime Used Improperly in Child Support Order)

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

Re: Complaint Regarding Commissioner
Support Law and Harm to Parent-Child Relationship

— Misapplication of Child

To Whom It May Concern:

I am submitting this complaint regarding Commissioner _____, who presided over my family court matter, Case No. _____ in the _____ County _____ Court. I believe Commissioner _____ engaged in conduct that reflects misapplication of Arizona law, abuse of discretion, and actions that have directly harmed the parent-child relationship, contrary to the Arizona Code of Judicial Conduct.

1. Commissioner _____ Background and Limited Family-Law Experience Are Relevant to the Errors in This Case

According to the _____ County _____ Court biography, Commissioner _____ has rotated through:

- Juvenile Court (_____ Facility)
- Initial Appearance Court
- Criminal Court
- Family Court (_____ assignment)

Her professional background is primarily in criminal defense, having served as a Senior Associate at the _____ County Public Defender's Office.

These rotations and her limited tenure in family law are relevant because the errors in my case involve basic misapplication of the Arizona Child Support Guidelines, particularly regarding overtime and realistic earning capacity.

2. Commissioner _____ Improperly Included My Overtime in Violation of Arizona Law

Commissioner _____ ordered child support based on overtime earnings, despite clear Arizona law prohibiting this unless overtime is:

- Regular
- Predictable
- Mandatory

- And expected to continue

My employer provided documentation showing that my overtime is:

- Not guaranteed
- Not mandatory
- Highly variable

Despite this, Commissioner treated my overtime as if it were a stable, permanent component of my income.

Relevant Law Ignored:

- A.R.S. § 25-320(D) — Income must reflect what is “reasonably expected to be earned.”
- Arizona Child Support Guidelines § 5(A) — Overtime may only be included if consistent and expected to continue.
- McNutt v. McNutt, 203 Ariz. 28 (App. 2002) — Overtime cannot be included unless proven regular and predictable.
- Little v. Little, 193 Ariz. 518 (1999) — Support must be based on realistic earning ability, not inflated or speculative income.

Commissioner decision contradicts all of these authorities.

3. The Resulting Child Support Order Forces Me to Work Excessive Hours and Prevents Me From Exercising Parenting Time

Because the child support obligation was calculated using inflated income, I am now required to work excessive overtime simply to comply with the order.

This has made it impossible to exercise my court-ordered parenting time, directly harming my relationship with my child.

Relevant Statutes Ignored:

- A.R.S. § 25-103(B) — Courts must promote frequent, meaningful, and continuing contact with both parents.
- A.R.S. § 25-403(A)(1) — Best interests include maintaining a strong parent-child relationship.

A child support order that forces a parent to work so much that they cannot see their child is contrary to the best interests of the child and violates the statutory mandate. This action also requires the parent to continue to look and work over time to comply with the order, making it

appear that the overtime is not consistent, when in fact it's a must to stay with the Judgment, not go into arrears and suffer further consequences if child support obligations are not met.

4. Arizona Courts Have Reversed Judges for This Exact Error

Arizona appellate courts have corrected similar mistakes:

- Pullen v. Pullen, 223 Ariz. 293 (App. 2009) — Courts must consider realistic earning capacity.
- McNutt v. McNutt (2002) — Overtime must be treated consistently and based on evidence.
- Sherman v. Sherman, 241 Ariz. 110 (App. 2016) — Support orders must not undermine parenting time.

Commissioner ruling contradicts all three.

5. Judicial Conduct Violations

Commissioner actions raise concerns under:

- Rule 1.1 — Compliance with the Law
- Rule 2.2 — Impartiality and Fairness
- Rule 2.5 — Competence and Diligence
- Rule 2.6 — Ensuring the Right to Be Heard

Her refusal to apply the law correctly, combined with the resulting harm to the child, constitutes conduct prejudicial to the administration of justice.

Note: Judge Treatment of Overtime in his judgment in

Judge previously reviewed the same financial information, including employer documentation confirming that overtime was not guaranteed, not mandatory, and not consistent. Based on this evidence, Judge did not include overtime in the income calculation because he recognized that it did not meet the legal standard for inclusion under A.R.S. § 25-320(D) and the Arizona Child Support Guidelines § 5(A). His ruling reflects an understanding that overtime must be excluded when it is irregular, unpredictable, or speculative, which is consistent with McNutt v. McNutt, 203 Ariz. 28 (App. 2002) and Little v. Little, 193 Ariz. 518 (1999).

6. Requested Action

I respectfully request that the Commission:

- Review Commissioner conduct

**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.**