

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-205

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Judge:

Complainant:

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**ORDER**

A superior court judge voluntarily reported a delayed ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge 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.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: August 21, 2014

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

Copies of this order were mailed  
to the complainant and the judge  
on August 21, 2014.

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

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

**RE: Self Report of Inadvertent Violation of 60-day Ruling Requirement**

Members of the Commission on Judicial Conduct:

I am writing to the members of the Commission to inform them that I recently discovered that I inadvertently failed to rule on a submitted matter within the sixty days required by Arizona Constitution Article VI, section 21. *See also, Wustrack v. Clark*, 18 Ariz.App. 407, 408-09, 502 P.2d 1085-86 (1972). I immediately instituted remedial measures to ensure no such future error occurs. The relevant facts are as follows.

***Factual Background***

On \_\_\_\_\_, I conducted \_\_\_\_\_ hearing in cause number \_\_\_\_\_. At the conclusion of the hearing, I took the matter under advisement, making the matter due to be ruled on by \_\_\_\_\_. On \_\_\_\_\_, \_\_\_\_\_ in the case contacted my division inquiring about the ruling, which I had not yet issued.

An immediate review of the Under Advisement Report generated by the \_\_\_\_\_ Clerk's Office did not show the matter as pending in my division. At the conclusion of the \_\_\_\_\_ trial, my \_\_\_\_\_ failed to put the matter on the Under Advisement Report, which is why I did not realize the matter remained pending for my ruling. As soon as I received the \_\_\_\_\_ e-mail from \_\_\_\_\_ to the case, I reviewed the evidence and relevant law, and drafted a ruling. I filed the minute entry order in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_ calendar days past the due date.

***Remedial Measures***

Upon receipt of the e-mail from \_\_\_\_\_, I promptly sent a response informing the attorneys in this matter that I would be issuing a minute entry as soon as possible. In this e-mail, I apologized to the attorneys and explained why I had not ruled on the matter in a timely fashion.

To eliminate the danger of a matter being under advisement in excess of the requirements of the Arizona Constitution by a \_\_\_\_\_, it is now calendared in my division that *every* Friday, \_\_\_\_\_ and I receive an updated Under Advisement Report from the Clerk's Office. Then,

\_\_\_\_\_ and I personally review the UA Report and match each matter listed on the report with the actual physical files in my chambers to confirm the matters that remain pending under advisement.

I take the issue of delay seriously, and generally file matters pending under advisement in my division well ahead of the 60-day deadline. I will make every effort to ensure that a lapse of this nature never happens again. Please feel free to contact me should you have any questions or concerns regarding this matter.

Sincerely,