

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Case No. 14-313

Judge:

Complainant:

ORDER

A superior court judge self-reported two delayed rulings.

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 file in this matter has been closed, pursuant to Rules 16(a) and 23.

Dated: November 13, 2014

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

A copy of this order was mailed
to the judge on November 13, 2014.

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

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

2014-313

Dear Commission Members:

This letter self-reports the issuance of two rulings made inadvertently past the 60-day rule set forth in A.R.S. §12-128.01(A). These rulings concern motions pending against a single defendant in two separate actions:

- In _____, the State filed a _____ the _____ that matter was under advisement as of _____. I drafted a ruling on the foregoing motion on _____ and forwarded it to _____ but a minute entry was never prepared.

- In _____, the Defendant filed a Motion to _____; that matter was under advisement as of _____. I drafted a ruling on _____ and forwarded it to _____ but, again, a minute entry was never prepared.

A comprehensive pretrial conference occurred on _____, concerning these two cases plus two other cases pending against this same defendant. It is my standard practice to inquire as to whether any motions are pending during such conferences, in an effort to ensure that nothing has slipped through the cracks. In response to this question, defense counsel informed me that _____ believed _____ had not received a ruling on _____ motion. I informed counsel that I believed I had ruled on _____ motion some time ago but would look into the matter to ensure a ruling was issued. I researched the matter that very day after my morning calendar was completed and located the two previously drafted email rulings. Minute entry rulings were promptly issued as to both motions.

As stated previously, there are four separate _____ matters pending against this Defendant. Based upon the representations of counsel at the _____ comprehensive pretrial conference, I anticipate that the matters will proceed to trial, in serial fashion, beginning on the currently set trial date of _____. The untimely issuance of these two rulings has not prompted any request by counsel to continue the trial and I do not believe any adverse consequences will otherwise result. The failure to issue both rulings was entirely inadvertent. I have instituted an additional step to my current procedures in issuing rulings to prevent a reoccurrence of an error of this nature.

If you need additional information, please do not hesitate to contact me.

Very truly yours