

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 15-097

Judge:

Complainant:

ORDER

A superior court commissioner self-reported a delayed ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner did not violate the Code in this case. Accordingly, the commission's file in the matter is closed, pursuant to Rules 16(b) and 23(a).

Dated: May 13, 2015

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to
the commissioner on May 13, 2015.

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



2015-097

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

Re: Certificate of Compliance/60-Day Requirement

Dear Members of the Commission:

I felt it appropriate to self-report to the Commission on Judicial Conduct a situation that came to my attention . Upon contacting the Commission , I was directed to submit a letter detailing the events that occurred. On , I conducted a in a matter and noted that Plaintiff's counsel, who was , had recently filed a . I took the matter under advisement to review the and, if appropriate, enter judgment. I handed the file to and directed that the file be returned to me after that day's minute entry was completed. Unfortunately, the file was never returned to me for ruling.

Instead, I was notified that Plaintiff's counsel contacted the Office to inquire about the status of the ruling. I immediately reviewed the file and entered a ruling . However, because I was unaware that this matter was pending, on , I submitted a Certificate of Compliance stating that I did not have any matters pending for more than sixty (60) days during the pay period of . The sixty (60) day timeframe expired on . This particular matter was pending for a period of days.

I strive to be diligent in monitoring my calendar and my under advisement log. My and I track the matters that I take under advisement on an internal log; however, because this matter was taken under advisement in the ; calendar with approximately cases, it was not entered on the internal under advisement log. It is the practice of the that when a matter is taken under advisement in the course of a calendar, that matter is listed on an under advisement log. After becoming aware of the situation, I made a request for the under advisement log maintained by . It was discovered that this particular matter, for an unknown reason, had not been properly listed, and therefore, the Court was not separately notified that a matter was pending.

To avoid this unfortunate situation occurring again in the future, during a calendar, I will order the setting of an Internal Review by the Court within thirty (30) days, which will require that the file be delivered to me for review. In addition, I will continue to closely monitor my calendar and under advisement log and try to note any matter that is taken under advisement while in court. Finally, I plan to meet with the _____, to discuss the situation I described and a methodology by which it may be avoided in the future.

Should you need any additional information, please do not hesitate to contact me. Thank you.

~~Sincerely,~~