

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-028

Complainant: No. 1355210515A

Judge: No. 1355210515B

ORDER

The commission reviewed the complaint in this matter and concluded that some rulings were delayed because of the numerous filings in the case. In this instance, the commission found no misconduct on the part of the judge but dismissed the complaint with a comment reminding the judge to maintain procedures to ensure all judicial matters are disposed of promptly.

The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: June 23, 2009.

FOR THE COMMISSION

\s\ William Brammer
Commission Chair

Copies of this order were mailed to the complainant and the judge on June 23, 2009.

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

Case # DO

Based on the following, I feel that my case has not followed these guidelines in part or in full. Below this rule I have supplied you with dates necessary to substantiate my claim.

CANON 3

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

(8) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

Commentary:

In disposing of matters promptly, efficiently and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. Containing costs while preserving fundamental rights of parties also protects the interests of witnesses and the general public. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. A judge should encourage and seek to facilitate settlement, but parties should not feel coerced into surrendering the right to have their controversy resolved by the courts.

Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants and their lawyers cooperate with the judge to that end. Article 2, § 11 of the Arizona Constitution requires that "justice in all cases shall be administered openly, and without unnecessary delay." Article 6, § 21 provides that "Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the date of submission thereof. The Supreme Court shall by rule provide for the speedy disposition of all matters not decided within such period." *See* Rule 91(e), Rules of the Supreme Court; A.R.S. § 12-128.01. In addition, A.R.S. § 11-424.02(A) prohibits a justice of the peace from receiving compensation if a cause "remains pending and undetermined for sixty days after it has been submitted for decision."

1. October 15, 2007 – My wife filed for Dissolution of Marriage.
2. November 1, 2007 – I was served appropriate papers.
3. November 19, 2007 – My response and Counter Petition for Dissolution of Marriage and response to Produce Documents.
4. January 11, 2008 – Motion to Dismiss to move case to Nevada. (By my wife)
5. February 13, 2008 – Motion to Dismiss was denied.
6. May 9, 2008 – Motion to Set.
7. July 29, 2008 – Stipulation of release of funds and establishment of restricted account bearing interest.
8. August 22, 2008 – Motion for partial summary.
9. September 22, 2008 – Response to motion for partial summary.
10. October 17, 2008 – Expedite hearing requested for verified petition for order to appear for Temporary Exclusive use of the Lake Havasu City residence which is my sole and separate property.
11. October 29, 2008 – Response to petition for Temporary Exclusive use of sole and separate property.

Approximately 1 year ago all the information through the courts public access website vanished. No one seems to know why. This case has not been acknowledged. We have not even had an order to mediate. I am now going on 10 months since we requested a motion to set and 1 year 4 months since this case was filled. In my research of Dissolution of Marriage, it seems that cases average from 3 to 6 months. Something is definitely wrong. Thank you for your time.