

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 10-274

Complainant:	Self-report	No. 0308110272A
Judge:		No. 0308110272B

ORDER

The judge voluntarily reported a delayed ruling. Accordingly, the commission decided to dismiss the matter with a private warning reminding the judge of her obligation to comply with statutory and constitutional time limits for ruling on pending matters and resolving pending matters.

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

Dated: December 20 , 2010

FOR THE COMMISSION

/s/ William Brammer

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2010.

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



Superior Court of Navajo County
- State of Arizona -

October 27, 2010

Commission on Judicial Conduct;
1502 W Washington, Suite 229
Phoenix AZ 85007

Dear Mr. Stott and Members of the Commission;

It is with deep regret and embarrassment that I must come before the commission, but I feel that I am honor bound to report this incident to you eight years later.

I currently sit on the Navajo County Superior Court bench. Eight years ago I was working as a part-time commissioner. In that capacity, I was assigned a probate case in which there was an unsecured claim against an estate for attorney fees. The personal representative denied the claim and a request for hearing was filed with the court. After a hearing, in which both sides were represented by counsel, the matter was taken under advisement. Regretfully the matter was overlooked and not ruled on. No further requests were filed in this matter nor to my knowledge were any requests for ruling ever made.

Eight years later, when we were going through old files, the case resurfaced and I requested that the attorney for the personal representative give me an update. The attorney reviewed the file and requested that the claim be dismissed for lack of diligence by claimant and the estate be closed. (A closing statement had been filed years ago.) The claimant did not object and the request was granted.

After granting the request, and upon further examination of the file, I noticed a minute entry taking the matter under advisement, and that is why I am bringing this matter before the commission.

Back in 2002 it was my understanding that after the hearing, the clerk's office took the file, "tickled" it to make sure all rulings were timely made and then returned the file to the judge to rule on the matter. Unfortunately, this case apparently did not get "tickled" nor returned for ruling, but clearly it was my responsibility to insure a timely response, not the clerk's.

Since that time I have made several changes to the way under advisement cases are handled. I generally (in about $\frac{3}{4}$ of the cases) schedule a time within 2 weeks to rule on the record with the parties present. On the remaining cases, I SCHEDULE for the case



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to be returned to me for ruling and ask the clerk to return the file as soon as they finish typing the minute entry and advise the deputy clerk that a case is under advisement. The deputy clerk checks their list on a monthly basis and judges are reminded after 30 days if any rulings are under advisement. Hopefully these 4 steps will insure that cases are not missed in the future.

In addition, since 2002 I have had several courses which have helped me to become a better judicial officer, including New Judge Orientation and over a hundred hours of COJET including some time management classes. I have also tried to review other old files to verify that nothing is pending.

Again I am truly sorry for this oversight on my part as a commissioner and I humbly submit myself to your authority in this matter. If I had been cognizant of this situation before now, it would have been addressed years ago. I would also appreciate any suggestions which would lessen the likelihood of such a situation occurring in the future.

Thank you for your time and consideration in this matter

Respectfully,