

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 11-176

Complainant: No. 0308110938A

Judge: No. 0308110938B

ORDER

A justice of the peace voluntarily reported that she inadvertently delayed issuing a summons and setting a court date in an eviction matter because the case was improperly routed within the clerk's office. The commission decided to dismiss the complaint with a private comment reminding the judge of her obligation to comply with relevant statutory and constitutional time limits. The case is dismissed pursuant to Rules 16(b) and 23(a).

Dated: October 21, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on October 21, 2011.

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

JUL 21 2011



July 20, 2011

Tina Tecklenburg
Rita Delgadillo
Kris Brown
Clerks

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

Attn: Members of the Commission on Judicial Conduct

Re: Judge Self Reporting

Greetings:

Background information:

I am the newly elected Justice of the Peace in Justice Court, officially taking office January 1, 2011. The Justice Court has (2) full time clerks (1) part-time (17 hours) temporary clerk and (1) supervisor. The supervisor has been working at the court for over 22 years and both full time clerks 17 years.

The annual judicial conference was held June 22 through June 25, 2011 in Phoenix, AZ. Court coverage was arranged by Yavapai County Court Administrator, Debi Schaefer. I forwarded the information from Ms. Schaefer to all of the clerks prior to leaving for conference. I was also scheduled to be out of the court from June 27 through July 1, 2011. I arranged for Judge Rummer of Mayer Justice Court to handle any court matters while I was gone. This information was also provided to the clerks. I left for Phoenix shortly after the noon hour on June 21st.

When I returned, I was given three civil files for my review on July 6, 2011 by our temporary court clerk. I immediately became aware that one of the files was a Complaint for Eviction Forcible Detainer/Special Detainer. The complaint was filed on June 21, 2011 at 11:07 a.m. prior to my leaving for conference. The complaint was logged in and the file was placed in a clerk's basket for receipting. The file was then placed in the temporary clerk's box for file set up. The temporary clerk was also gone the week of June 27, which is why the file did not come to my attention until she returned.

Upon receipt of the file, I immediately set the matter for hearing in accordance with A.R.S. 33-1485 B. However, the Summons should have been issued and a hearing set on June 21, the date of filing the complaint. The Summons was issued on July 6, 2011 and the hearing was held on July 13, 2011. The plaintiff appeared in person for the hearing. The defendant was served in accordance with the statute and failed to appear at the hearing. After hearing Judgment was entered on behalf of the plaintiff.

I have spoken to the clerks handling the court files, including the supervisor regarding procedures and the way files are processed in the court as to time sensitive matters. On July 8, 2011, I issued a court procedure memo regarding new filings in the court. Each clerk initialed the original memo and was provided with a copy of the court civil filing procedure. I believe the procedure and policy I have initialed will help to avoid any further incidents like this nature from taking place in the future. (A copy of my July 8 Memo is enclosed, including my Memo to the supervisor regarding same)

Respectfully submitted,

cc: Court file
Honorable David Mackey, Presiding Yavapai County Judge
Debi Schaefer, Yavapai County Court Administrator