

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 11-234

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Complainant: No. 0308110951A

Judge: No. 0308110951B

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**ORDER**

A superior court commissioner voluntarily reported a series of delayed file reviews.

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 reviewing the judge's letter and related documents, the commission decided to issue a private warning reminding the judge of her obligation to perform her judicial duties diligently and promptly and to promote public confidence in the judiciary.

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

Dated: December 20, 2011.

FOR THE COMMISSION

/s/ Louis Dominguez

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Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on December 20, 2011.

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

**ARIZONA SUPERIOR COURT**

SEP 15 2011

*Pima County*  
*110 West Congress*  
*Tucson, Arizona 85701*

September 13, 2011

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

Attention: George A. Riemer

Re: Self-Report of Delay in Review of Annual Reports of Guardians of Minors

Dear Mr. Riemer:

I am a \_\_\_\_\_ in Pima County Superior Court. My job duties require the review of Annual Reports of Guardian of a Minor. The reports at issue are required to be filed annually pursuant to Supreme Court Rule 126. The initial date for the first annual report is set in court when the determination has been made that it is appropriate to appoint a guardian. The annual reports are filed in a confidential envelope each year and a non-appearance hearing is set for the review. The annual reports are an important tool for the Court in maintaining contact with guardians of minors that are for the most part self-represented litigants. Without annual review, the guardianship Letters of Authority could remain valid and the files open until the minor turns 18 years of age.

The non-appearance hearing which is set to review the annual report is a file review. The non-appearance hearing results in the approval of the annual report or, in the alternative, an appearance review hearing is set to obtain information from the guardian. The non-appearance review of the annual report does not affect the determination of the Court as to the guardian's authority. If a parent or guardian seeks to change the Court's determination as to the status of guardianship, separate pleadings and notice are required.

I do not believe the Annual Reports of Guardian for a Minor are submitted for a "determination" pursuant to Arizona Supreme Court Rule 91(e) as the determination that a guardian is appropriate was previously made after notice and at an appearance hearing. However, I do believe my failure to review reports in excess of 60-90 days does in fact violate my duties pursuant to Canon 3B(8) of the Code of Judicial Conduct that requires the prompt and efficient disposition of all judicial matters. I make this report out of abundance of caution and in consultation with my presiding probate judge. I agree that these annual reports should be reviewed as promptly as possible for public oversight and to annually reinforce the duty to guardians.

The failure to review the annual reports promptly is my failure. I have approximately 100 non-appearance hearings for annual reports on my calendar each month, but there is no reason that the reports should not receive greater priority. I have chosen to set each month's annual reports on a single day in order to isolate the reports from other matters. It has been my decision to give the annual reports a low priority which has at times resulted in a backlog. I realize that it has been poor office management on my part. It is my responsibility to provide

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Attn: George A. Riemer

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my judicial assistant with better guidance so that we can work together to see that annual reports are reviewed promptly and the review is documented promptly. I reviewed a printout of the current list of annual reports that have not been completed as of today's date. All annual reports that have not yet been reviewed at this time are set for non-appearance hearing on July 28, 2011 or later.

My presiding judge is aware of the undisciplined nature of my review of these reports. He has met with me regarding his concern for this breach of judicial ethics and has requested that I document a plan that can be implemented within my office to assure that the reports are reviewed promptly each month. He has requested that I provide him with further information in writing by September 20, 2011. It is my goal in the future to insure that files are reviewed for annual reports and the file review documented by an In-Chambers Order promptly, within 10 days of the non-appearance hearing date.

It will be necessary to work closely with my judicial assistant, and I intend to monitor our compliance on this issue with monthly printouts that can be provided to my presiding judge at his request. While my judicial assistant and I work together as a team, the responsibility here is mine. If you or the Commission has any questions, please let me know.

Sincerely,

cc: Sarah R. Simmons, Presiding Judge, Pima County Superior Court  
Charles V. Harrington, Presiding Probate Judge (w/printout dated September 13, 2011)