

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 11-308

---

Complainant: No. 0308110355A

Judge: No. 0308110355B

---

**ORDER**

A superior court judge voluntarily reported issuing a delayed ruling.

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 review, the commission decided to dismiss this matter with a private advisory comment reminding the judge of her obligation to comply with relevant statutory and constitutional time limits. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: March 15, 2012.

FOR THE COMMISSION

/s/ Louis Dominguez

\_\_\_\_\_  
Louis Frank Dominguez  
Commission Chair

Copies of this order were mailed to the complainant and the judge on March 15, 2012.

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

2011-308

DEC 23 2011



**SUPERIOR COURT OF ARIZONA**  
In Maricopa County

December 22, 2011

Mr. George Riemer, Executive Director  
Commission on Judicial Conduct  
Administrative Offices of the Court  
Arizona Supreme Court  
1501 West Washington, Ste. 229  
Phoenix, Arizona 85007

Re: CV2010-

Dear Mr. Riemer:

I set forth below a chronology of relevant pleadings and orders. I am respectfully self-reporting to the Commission on Judicial Conduct my failure to comply with the 60-day rule set forth in Article 6 § 21 of the Arizona Constitution in the above cause number.

On May 14, 2010, a Complaint was filed in the above action naming \_\_\_\_\_ as a Defendant, among others. Mr. \_\_\_\_\_ was served on July 10, 2010, as reflected by Affidavit of Service filed July 27, 2010. On February 2, 2011, Answer and Cross-Complaint of Defendant \_\_\_\_\_ was filed.

By minute entry filed January 26, 2011, this Judge ordered all appearing parties to prepare a Joint Pretrial Memorandum no later than February 24, 2011. On February 25, 2011, the Court issued a Scheduling Order. The Scheduling Order was revised by Revised Scheduling Order filed March 16, 2011.

On March 1, 2011, Plaintiffs filed a Motion to Dismiss Cross-Complaint filed by \_\_\_\_\_ and "joined" by \_\_\_\_\_. By ruling entered May 23, 2011 by minute entry filed June 1, 2011, the Court denied Plaintiffs' Motion to Dismiss Cross-Complaint, finding that Plaintiffs were not named in the Cross-Complaint and that the named Cross-Defendants had not been served.

Defendants Valuation Services, Inc.'s Motion for Summary Judgment was filed on July 7, 2011. Upon completion of briefing, oral argument was set for September 22, 2011 by minute entry filed September 8, 2011.

On August 25, 2011, Defendant filed Motion By Defendant for Leave to Amend the Answer and Cross-Complaint (Rule 15A). Plaintiffs filed their Response on September 13, 2011. I had calendared that Motion to be fully briefed no later than September 27, 2011, at which time the matter would be deemed submitted for ruling or the setting of oral argument. No reply was ever filed on the Motion By Defendant for Leave to Amend the Answer and Cross-Complaint.

On September 14, 2011, a Stipulation to Revise Court's Scheduling Order was filed. Because all parties were not included on the Stipulation, the Court issued its minute entry filed September 21, 2011 allowing responses or objections to the Stipulation to be filed no later than October 14, 2011.

Oral argument on Defendants' Motion for Summary Judgment was held on September 22, 2011. In preparation for the oral argument, I reviewed all briefing on the Defendants' Motion for Summary Judgment and all pending motions, which included Motion By Defendant for Leave to Amend the Answer and Cross-Complaint (Rule 15A) and the Stipulation to Revise Court's Scheduling Order. It is my habit to familiarize myself with all pending matters in a case at an oral argument, even if the matter is not scheduled for oral argument. Frequently, parties are able to resolve pending, unscheduled matters on an accelerated basis once they convene in Court for oral argument on scheduled matters.

In this case, Mr. did not appear for oral argument on September 22, 2011. Therefore, I was unable to accelerate ruling on the pending Motion By Defendant for Leave to Amend the Answer and Cross-Complaint (Rule 15A). I was also unable to accelerate signing the order amending the Scheduling Order as requested in the Stipulation filed September 14, 2011.

Upon completion of oral argument, I returned to chambers and wrote my decision on Defendants' Motion for Summary Judgment. That ruling appears on the minute entry filed September 27, 2011 as a "later" to the oral argument. I had routed my written decision on the Defendants' Motion for Summary Judgment with the still pending Stipulation and Motion By Defendant for Leave to Amend the Answer and Cross-Complaint (Rule 15A) to my assigned clerk for the preparation of a ruling by minute entry. The pending Stipulation and Motion By Defendant for Leave to Amend the Answer and Cross-Complaint (Rule 15A), however, were subsequently misplaced, and I failed to appropriately re-calendar both documents for a timely ruling or oral argument.

Counsel on the case were kind enough to call my staff on December 19, 2011, inquiring as to the status of the Stipulation. I immediately researched the docket and discovered my failure to timely rule on the Stipulation to Revise Court's Scheduling Order deemed submitted on October 14, 2011 and the Motion By Defendant for Leave to Amend the Answer and Cross-Complaint (Rule 15A) deemed submitted or ready for oral argument on September 27, 2011.

On December 19, 2011, I immediately signed and issued an Order Approving Stipulation to Revise Court's Scheduling Order as reflected in minute entry filed December 20, 2011.

On December 19, 2011, I also issued a ruling on Motion By Defendant [redacted] for Leave to Amend the Answer and Cross-Complaint (Rule 15A) by minute entry filed December 20, 2011. Though oral argument had been requested, I denied the oral argument as unnecessary, and I immediately ruled.

On December 21, 2011, a Stipulation for Dismissal without Prejudice was filed as to Defendant [redacted]. I signed an Order Dismissing Claims against [redacted] without Prejudice on December 22, 2011. An Order Dismissing Claims against [redacted] with Prejudice also was signed on December 22, 2011, pursuant to Stipulation of the parties filed December 21, 2011.

I sincerely apologize for my delay regarding approval of the Stipulation to Revise Court's Scheduling Order and ruling on the Motion By Defendant [redacted] for Leave to File Amended Answer and Cross Complaint (Rule 15A). I take full responsibility for the inconvenience my delay may have caused the parties. I regret the negative impression my error may cast on the judiciary as a whole. The delay was unintentional on my part.

I have carefully reviewed my office procedures for this civil assignment, and I immediately discussed and reviewed this problem with my staff. As a result, I have changed our procedure for calendaring pending matters which will safeguard timely rulings on pending matters in future cases. Specifically, all pending motions will remain securely lodged in their due date slots until fully briefed and pulled for my ruling. Should I request a pending motion for review prior to the motion being deemed submitted, a duplicate copy of that motion will be provided to me, or I will read it on the computer. I believe the delay in this case was the result of inadequate office procedures for the careful tracking within the office of pending motions. I have instituted corrective action which addresses this problem.

I appreciate your attention to this matter. I can deliver copies of all pleadings, minute entries, and orders referenced in my correspondence if you would find them helpful to your review. I am available at your convenience for any additional information you may need.

Sincerely,

Judge of Superior Court