

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-273

Complainant:	No. 0308110605A
Judge:	No. 0308110605B

ORDER

A superior court judge self-reported 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 regarding delay. The case is dismissed pursuant to Rules 16(b) and 23(a).

Dated: December 4, 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 December 4, 2012.

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

SUPERIOR COURT

OCT 11 2012

October 5, 2012

George A. Riemer
Commission on Judicial Conduct
1501W. Washington Street
Suite 229
Phoenix, Arizona 85007

Dear Mr. Reimer,

By this letter I am self reporting a possible violation of Canon 3(B)8 of the Arizona Code of Judicial Conduct. I describe below a violation of Rule 91(e), Rules of the Supreme Court of Arizona, requiring that matters submitted to a judge for decision shall be decided within sixty (60) days from the date submitted.

On May 31, 2011 the _____ County Superior Court received a Transmittal of Record from the _____ Court after the filing of a Notice of Appeal in _____ Court Case No. _____ Our Superior Court Case Number is CV _____ I am currently assigned all Superior Court civil cases ending in the number 1.

The case was presented to me on June 27, 2011. Upon review of the case file, I issued an Order on July 6, 2011 remanding the case back to the trial court for compliance with Rule 3 of the Superior Court Rules of Appellate Procedure-Civil.

The case file was next presented to me on October 1, 2012 by Court Administration inquiring about whether or not to send out an inactive notice to the parties. I reviewed the file and discovered that _____ Court had remedied the Rule 3 problem and resubmitted the case to the Superior Court on August 22, 2011. This case sat for over a year without any action being taken by the court.

In my opinion, I should have ruled on the appeal within sixty days of the case being resubmitted by _____ Court to the _____ County Superior Court. Unfortunately, I was not aware that the case had been resubmitted for determination of the appeal.

Earlier this week, when presented with the file, I immediately contacted the Clerk of the Court to advise him of the situation and to discuss whether we had a simple mistake or a systems problem. While we think it was a simple mistake, the Clerk has indicated that he will review his practice and procedure regarding the processing of appeals from limited jurisdiction courts and advise me of the results.

As you know, all of our judicial staff and employees, including the Clerk's office, have been participating in a two day judicial conference. Therefore the Clerk has not had the opportunity yet to complete his investigation. However, I do not want to wait for a resolution before I report the delay to the Commission on Judicial Conduct.. I will provide an update to you and the Commission if deemed necessary.

In an abundance of caution and concern that this is not an isolated case, I spoke to the Court Administrator about our practice and timing for pulling of inactive case files. I am wondering if we can minimize this type of delay by identifying inactive cases sooner. Again, court administration staff has been attending the conference, and we have yet to begin a dialogue on this issue beyond my calling it to the attention of the Court Administrator.

This is the type of matter that I would have immediately reported to the Presiding Judge. However, he was attending an out of state conference when the file arrived on my desk. He returned from the conference to attend to a family medical emergency. As you know, he missed our judicial conference, and I hope to see him next week. I will let him know then and copy him on this letter.

In the meantime, this case has been bumped to the top of my priority list. I have reviewed the case, drafted an opinion, and am prepared to send out a ruling before the end of next week.

Thank you for your time and attention to this matter. I look forward to hearing from you.

Sincerely,