

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-277

Complainant: No. 1440800234A

Judge: No. 1440800234B

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.

OCT 15 2012

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

October 11, 2012

Re: FC

Dear

Pursuant to our recent e-mail exchange, I am writing to you to self-report a ruling in the above-named case that was not entered on the docket until more than 60 days after the hearing had taken place.

The hearing took place on 5/9/12. I have checked my e-mail records, and I sent the draft ruling to my clerk, _____ on 5/9/2012, and sent the child support worksheet (which was necessary for the draft ruling to be finalized) to her two days later, on 5/11/2012. When we discovered on 10/9/2012 that the ruling had never been entered on the docket, I spoke with _____ about this and she informed me that she moved the ruling into her "completed" folder on her computer, indicating that she (and I) had finalized it and had submitted it for entry onto the docket. Based on the foregoing, I believe (but cannot unequivocally prove) that the completed ruling was sent by myself and my clerk for entry on the docket within a few days after the 5/9/2012 hearing (as is my standard practice), but that somehow the ruling was not entered on the docket. When we discovered on 10/9/2012 in a review of all our pending matters that this ruling was not on the docket, I re-finalized the ruling and it was filed on 10/10/2012.

Aside from continuing to follow my standard practice of finalizing and submitting my rulings within a day or two of the hearing (as I type this, I have exactly three matters under advisement, all of which were heard yesterday), I also recently began keeping print-outs of the first page of all my draft rulings that I have submitted for finalization; every week or so I give these to my clerk and ask her to confirm that all these rulings have been finalized and entered on the docket. Although this is the first time in my four-plus years as a judge that I have had a ruling entered on the docket untimely, I believe this procedure will make future recurrences even less likely.

Please confirm by e-mail (my e-mail address is _____) that you have received this letter. Please also let me know by e-mail of any action taken as a result of my sending this letter to you. Thank you.