

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-353

Complainant: No. 0308110999A

Judge: No. 0308110999B

ORDER

A superior court judge voluntarily reported that he delayed ruling on a lower court appeal because the file and record were not transferred to his office, but remained in the clerk's office.

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 found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge a private advisory letter regarding delayed rulings. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: February 27, 2013.

FOR THE COMMISSION

/s/ Louis Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on February 27, 2013.

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

Superior Court of Arizona

2012-353

DEC 20 2012

December 14, 2012

Commission on Judicial Conduct
1501 West Washington St., Suite 229
Phoenix, AZ 85007

RE: Pima County Justice Court case number

Dear Members of the Commission,

My name is [redacted] I am a Pima County Superior Court Judge assigned to [redacted] as of August 6, 2012. I am sending you this letter to bring to your attention a delay on my part in issuing a ruling on appeal from Pima County Justice Court cause number [redacted]. Specifically, on September 24, 2012, my office received a memo indicating that the aforementioned matter was assigned to my division. However, my office did not receive the actual file and record which apparently remained in the office of the Clerk of the Superior Court of Pima County. On Thursday, December 13, 2012, my office received a phone call from Pima County Court Case Management Services inquiring about the time period in which I had to rule on the matter. Upon receipt of the call I immediately obtained the file and record from the clerk's office. I reviewed the file and record and expect to have a ruling out no later than Monday, December 17, 2012.

I have informed the Pima County Superior Court Presiding Judge of the situation. I have also instituted a policy in my division where, upon receipt of a memo indicating a lower court matter has been assigned to me, we will get the file and record at the same time we receive the memo. I have also discussed this with my staff.

I would appreciate it if your office would let me know if I need to take any additional action on this matter.