

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-156

Judge:	No. 107173081A
Complainant:	No. 107173081B

ORDER

A pro tem superior court judge voluntarily 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 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 warning about delayed rulings. The complaint is dismissed pursuant to Rules 16(b) and 23(a).

Dated: August 21, 2013.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on August 21, 2013.

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

JUN 21 2013

June 19, 2013

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

Commission:

I am a full time Judge Pro Tempore for Superior Court and have served on the bench since December, 2006. I am currently assigned to the civil bench. In addition to handling a full civil caseload, I am assigned to handle "routine" civil matters on behalf of the divisional judges, such as defaults, garnishments, actions for replevin, Rule 4 service issues and other miscellaneous cases. I typically process and/or hear approximately 80-100 such cases per week. In addition, I am assigned to hear all appeals from limited jurisdiction courts.

On December 5, 2012 I was formally assigned to the cases of . The cases involved the same victim. Consequently, on December 20, 2012 I issued a minute entry consolidating the cases on appeal. After issuing the minute entries, my judicial assistant returned the files to the clerk's office. Contrary to normal practice, neither of us took any steps to further track the cases. On May 31, 2013 a staff member from the called for a status update, bringing the cases to the attention of my judicial assistant. Upon my review of the files on this date, I realized that the matter had been "submitted" for my decision since December. As the judicial conference is set for next week, I will issue a ruling by Tuesday, June 25.

I believe this inadvertent error to be due to the sheer volume of cases I handle on a continuing and ongoing basis. I have received certification from Chief Justice Rebecca White Berch suspending the applicability of A.R.S. §12-128.01 to these cases, effective until July 15, 2013 (copy enclosed). I am self reporting this out of an abundance of caution as a potential violation of the 60 day rule, and will institute further measures to avoid this occasional error.

Please let me know if there is any other information I could provide you with concerning this matter.

Sincerely,