

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 13-248

Judge:	No. 1080930810A
Complainant:	No. 1080930810B

ORDER

A 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. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: December 2, 2012.

FOR THE COMMISSION

/s/ George Riemer

George A. Riemer
Executive Director

A copy of this order was mailed to the judge on December 2, 2013.

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

SEP 30 2013

Arizona Commission on Judicial Conduct
 1501 W. Washington, Suite 229
 Phoenix, AZ 85007

Dear Commission Members:

I write to make you aware of a circumstance on a case I was previously handling. I am now assigned to the Department of the Superior Court. However, prior to I was assigned to the Department of the same court.

During my tenure in I handled a case known as . I issued the original dissolution decree in that case on It was filed or In that decree I awarded the parties Joint Legal Custody of their They were also ordered to share substantially equal parenting time

Very shortly after the issuance of that decree, Mother abruptly relocated to , leaving the child to reside with She filed on a pleading entitled "Motion for Post and That motion was denied by the court as an

emergency. Father also filed a pleading entitled ' and a ; Motion to and Request for Hearing," both filed on

Eventually a hearing was held on the underlying pleadings listed above on The primary issues were those of Mother's request to relocate the with her to and the modification of the parties' respective access to the child and the necessary change in the child support calculation, with all of those issues being driven by

This court issued its ruling on those issues on denying Mother's request to relocate the The court also modified parenting time orders and Mother's child support obligation due to Father's becoming primary residential parent upon Mother's She continues to reside in Mother was ordered to to Father in the amount

In its order, the court inadvertently ordered the start date for order to be rather than

On Father filed under Rule 85, Arizona Rules of Law Procedure, a Motion to Correct Mistake Or, Alternatively, Motion to Reconsider Re: Father urged that the appropriate start date should have been the 1st day of the month following the date of the filing of his Petition to

Mother never filed a response to the

The reason for this letter is that the court tickled the _____ which never came. Inexplicably and most regrettably, the matter fell through the cracks before the court was notified by Father's counsel in _____ that the matter had not been ruled upon by this court.

Upon notification, the court immediately issued a ruling on the unopposed motion, granting the relief requested by Father for the legal reasons stated above, correcting the typographical error to make the effective start date of the modified _____ obligation to be

On an equitable basis, the court also finds that date to be appropriate given the fact that since _____ the child had resided primarily with Father, making the increased child support be paid by Mother appropriate. Mother filed no response to the _____ and indeed has no meritorious defense to the motion, in spite of the court's late ruling on the issue.¹

The history of the litigation in this matter was one of constant post-decree motion practice, primarily by Mother, and the undersigned simply became unaware that Father's Motion to Correct remained unresolved for far too long. I erroneously assumed that there were no outstanding issues to be resolved. I accept full responsibility for this oversight. I honestly and genuinely believed that during the time frames effected, that no matters in my caseload were left unresolved beyond permissible time limits. It was never my intent to represent anything to the contrary. I deeply regret my error.

Since my move to _____ I have taken steps, along with my staff to insure that all motions as well as hearings held under advisement, are presented to me on a timely basis for resolution on a prompt and timely basis.

I submit this letter to make the record clear as to the

Please feel free to contact me should you desire any further clarification or information regarding this matter.