

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 14-346

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Judge:

Complainant:

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**ORDER**

A justice of the peace 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 found no evidence of ethical misconduct and concluded the judge did not violate the Code in this case. The judge indicated he had self-initiated a review of Formal Advisory Ethics Opinion 06-02 (Prompt Disposition of Judicial Matters) and had also taken steps to ensure that the reported delay does not occur in future cases. Accordingly, the complaint is dismissed in its entirety, pursuant to Rules 16(a) and 23.

Dated: February 2, 2015

FOR THE COMMISSION

/s/ George A. Riemer

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George A. Riemer  
Executive Director

A copy of this order was mailed  
to the judge on February 2, 2015.

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

FROM THE CHAMBERS OF

Commission on Judicial Conduct  
1501 West Washington  
Phoenix, Arizona 85007

Re: Self reporting a 60-day rule violation

To the Honorable Commission:

I am self-reporting an inadvertent violation of the sixty day rule in a case I was to have decided by March 11, 2014. I was alerted last week when a supervisor forwarded me a litigant message. I have no excuse for my failure to promptly rule- it was not purposeful as I have always issued timely decisions within the mandatory period in my whole career but this one slipped through the cracks. I am not justifying my lack of compliance but the reminder system we had was replaced by a new calendaring method at a time that coincided with the time-frame in which the case was heard.<sup>1</sup> Our new systems are better but, obviously, not yet completely reliable. As soon as I

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<sup>1</sup> The attached email illustrates the point- it shows that no case was heard by me on the day of the trial when in fact that was the date it was heard.

was advised of the delay I promptly found the file, re-heard the audio & issued a decision. I also:

1. Read Formal Advisory Ethics Opinion 06-02
2. Implemented redundant procedures to avoid similar delays in the future. We now keep an in-court log of the cases under advisement with 2 tickle dates and 1 actual hearing set prior to the sixty day expiration to ensure the matters are promptly addressed. I also will begin to keep my own log of the same. The bailiff's log is forwarded to me every 10 days so I may compare it to mine. The logs clearly have a 55 day deadline. All under advisement cases are now kept in a specially segregated area clearly visible to me and accessible only by the courtroom bailiff.

In addition, the court has instituted three critical changes- it has ensured call center employees are aware of the sixty day rule, it is alerting judges of messages from litigants and it is independently reminding us of impending sixty day expirations for under advisement cases. I have been on the Bench long enough to appreciate that judges must always endeavor to maintain the public trust by diligently administering court operations as well as to preserve the integrity of the judicial system and I did not comply with the requirement to get a decision out on time.

Respectfully Submitted,