

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 15-123

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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 that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter encouraging her to remain proactive and diligent in ensuring matters were properly calendared to prevent delay rulings in the future. The Commission's file in the matter was closed, pursuant to Rules 16(b) and 23(a).

Dated: June 22, 2015

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Hon. Louis Frank Dominguez  
Commission Chair

A copy of this order was mailed  
to the judge on June 22, 2015.

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

The Commission on Judicial Conduct  
1501 West Washington Street – Suite 229  
Phoenix, AZ 85007

Re: Self-Report of Violation - Delayed Ruling

Dear Members of the Commission:

I wish to report a delayed ruling in a case from . The delay was brought to my attention in the pleadings in a case. Copies of the two pertinent case files are attached.

The time line of events in these cases is as follows:

- Date of original violation. The Defendant, , a  
at the time, was investigated for
- A was filed in the Court.
- The was dismissed
- Complaint was filed in the Court charging ,  
who was by then with  
The matter was dealt with under  
the rules for felonies.
- Initial Appearance Hearing was held and the case was set for  
in Court for . The  
case was transferred out of the Court and all original case documents  
were sent to for all further proceedings. Note: The process of transferring the case  
out of the court to closed the case.
- filed Motion (dated )  
, stating that the charges would be re-filed as misdemeanors. On the same date  
the Court received notice from the (dated  
) with an Order "  
." The original case file was returned to the  
Court with the Order. The case could not be re-activated because it had already

been closed out when it was transferred to . Note: A new complaint would have been required in order to open the case again.

- . Order dismissing was signed, 112 days after the Motion was filed. The court docket lists the case as "Closed Z" on this date, but it closed statistically on
- . Misdemeanor complaint was filed in the Court charging with

This case is from the Court. I traveled there from times per month to preside in court. For over years there was just one did everything -

would prepare files that I needed to deal with and have them on my desk for me when I arrived. Those files might have needed signatures or rulings, or they could have been for cases that I would hear that day. It was often very busy

Although I cannot say for sure, my guess as to what happened is that the Motion when it was filed, was overlooked by or simply disregarded because the case was already considered closed. I should have caught the delay and self-reported when I eventually signed the Order.

The problems associated with having just one juggling all facets of court have ended for Effective of this year, I changed the status of the court to that of a court. I did not replace All active cases were transferred to the court. New cases from the area are filed in , but I will continue to travel to with a clerk to hear cases involving local residents.

I was mortified to have to learn of my failing through a pleading filed in a case. I have explained what happened to the court staff and they are developing a new method of handling felony cases and setting up a calendar "tickle" system to prevent it from occurring in the future.

Thank you for your consideration.

Very truly yours,

Enclosure