

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-022

Judge:

Complainant:

ORDER

A superior court commissioner self-reported a delayed ruling.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the commissioner 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 commissioner did not violate the Code in this case. Accordingly, the commission's file in this matter has been closed, pursuant to Rules 16(a) and 23.

Commission members Gus Aragòn, Louis Frank Dominguez, and Art Hinshaw did not participate in the consideration of this matter.

Dated: March 25, 2016

FOR THE COMMISSION

/s/ George A. Riemer

George A. Riemer

Executive Director

Copies of this order were mailed
to the complainant and the commissioner
on March 25, 2016.

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

From:
To:
Cc:
Subject: FW: Self-Report of Ruling Issued Later Than 60 Days
Date:
Attachments:

From:
Sent:
To:
Cc:
Subject: Self-Report of Ruling Issued Later Than 60 Days

Commission on Judicial Conduct

RE: Self-report of ruling issued later than 60 days
Code of Judicial Conduct Rule 2.5(A)

I am writing to advise you that in _____ I had a case that was ruled on 70 days after it was taken under advisement.

Just prior to _____, I noted that I had a ruling due in a family law case on a Petition to Permit Relocation and Motion to Modify Parenting Time and Child Support, and a Counter-Petition for Change in Physical Custody and Motion to Lift Stay. _____ . The ruling was due _____ .

This is a _____ case with ongoing post-judgment filings going back _____ . The casefile is now at _____ . After the matter was taken under advisement, another expedited request for relief was filed on _____ and an expedited proceeding held on _____

The under advisement ruling was issued on _____

I am telling you all of this as background information, but the reality is that I should have had the ruling done by _____ . My judicial assistant was reminding me that it needed to be done, but I worked on other cases and by the time I got back to this matter, it was past the 60 days. When I revisited the file, I issued an order that because of the post-trial hearing the under advisement date was recalculated to begin _____ as the ongoing parenting time disputes weighed in on the ruling. Whether or not the order was effective to extend the deadline, I believe that I should have had the ruling completed more promptly.

The issuance of the ruling did not harm or prejudice any of the parties, but the delay was unnecessary. For this I take full responsibility. With the help of my judicial assistant an updated tickle system was created to operate out of Outlook to send me alerts and reminders as to upcoming rulings (to my desktop, laptop, iPad and phone). When they all go off it sounds like a pinball machine. They won't be ignored.

Thank you for your consideration of this matter and please accept my apologies for having to take your time to address my oversight.

Enclosed please find copies of the following documents:

1. Minute Entry taking the matter under advisement,
2. Motion to Enforce Holiday Visitation Plan (without exhibits),
3. Minute Entry regarding Thanksgiving parenting time and the need to address the issue further in the under advisement ruling, and
4. Order recalculating time for the under advisement ruling,

If you need any additional information regarding this matter, please let me know.

Sincerely,