

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 16-349

Judge:

Complainant:

ORDER

A pro tem superior court judge (now retired) 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 that the judge's ruling was unreasonably delayed and that he was not following remedial calendaring measures that he had previously advised the commission he would implement. While this was improper under Rule 2.5 and problematic under Rule 2.12, the Scope Section of the Code of Judicial Conduct provides that it is not intended that every transgression will result in the imposition of discipline. The commission decided, after considering all the facts and circumstances, to dismiss the complaint pursuant to Rules 16(b) and 23(a), but to issue a warning letter to the judge reminding him of his obligation to rule promptly, and to review Rules 2.5 and 2.12, along with Formal Ethics Advisory Opinion 06-02 (Prompt Disposition of Judicial Matters) if continuing to serve in a judicial capacity in the future.

Commission member Peter J. Eckerstrom did not participate in the consideration of this matter.

Dated: February 7, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on February 7, 2017.

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

2016-349

George A. Riemer, Executive Director
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Subject: 60-Day Rule

Dear Mr. Riemer:

It has come to my attention that a case was set for a Non-Appearance Hearing to approve an order by my office, on the Non-Appearance Calendar for at . Although a Notice was filed providing the hearing date and time, the Hearing was not entered on the calendar, and therefore the files were not provided to the Court for review. This matter was brought to my attention on by the when they called to inquire on the status of the submitted order, and this Court promptly ruled on the matter upon my return to my office on

It appears that this omission occurred when failed to enter the hearing into our Court database system. I fully accept responsibility for this violation of the 60-Day Rule. We have made the corrective measure of removing Non-Appearance Hearings from the of the in order that such hearings may be more easily verified as being properly set.

If you have any questions or require any additional information concerning this matter, please feel free to contact me at your convenience.

Sincerely,

cc: