

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 19-222

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Judge:

Complainant:

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**ORDER**

A pro tem superior court judge self-reported a delayed ruling.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

After review, the Commission found the judge failed to rule within sixty days of a matter being submitted to her. While this was improper under Rule 2.5(A) of the Code, 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 directing her to ensure all matters have been properly calendared for ruling. The Commission also directed the judge to review Formal Ethics Advisory Opinion 06-02.

Dated: August 13, 2019

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on August 13, 2019.

Comp  
2019-222

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

Re: Self-Report of Violation of Rule 91(e)

To Whom it May Concern:

I am self-reporting a violation of Rule 91(e) of the Rules of the Supreme Court of Arizona. I am a Judge Pro Tem in [redacted]. As a new judge, I inherited a caseload comprised of [redacted] cases. I have a new judicial assistant as well. We are both learning to manage our caseload of approximately [redacted] cases.

After all the previously assigned divisions transferred their cases my current caseload, I began going through my cases one by one to ascertain the status of every case on my caseload. So far, I have gone through every [redacted] case assigned to me. I am currently working on the [redacted] cases but have not yet completed a review of all the [redacted] cases assigned to my division.

On [redacted] my judicial assistant notified me that she had received a call from an attorney on a [redacted] Case Number [redacted] inquiring about the status of a pending motion. Upon looking into the case, my judicial assistant realized the motion had been fully briefed [redacted]. Therefore, by [redacted] when the case came to my attention, the ruling was already far past the timeframe under Rule 91(e). I immediately had the case set for oral argument on [redacted] where I will issue a ruling from the bench on the pending motion.

I wanted to self-report to the Commission to err on the side of caution and to be as transparent and honest as I can about missing the timeframes under Rule 91(e). I have gone over the tracking system my judicial assistant is using for placing pending rulings on my "pending ruling" list, and I am working earnestly to finish a case review of the [redacted] cases and [redacted] cases currently assigned to me. I am concerned that during my case review, I may find other cases pending a decision that are over the 60 days under Rule 91(e) but of which I am not aware. If I do find any, I will self-report those and will take corrective action to ensure those rulings are addressed immediately.

Sincerely,