

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 19-374

Judge:

Complainant:

ORDER

January 28, 2020

A superior court judge self-reported a delayed ruling in a family law matter.

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.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. Accordingly, the Commission's file in this matter has been closed, pursuant to Commission Rules 16(a) and 23.

Commission members George H. Foster, Jr. and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 28, 2020.

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2019-374

The Honorable

Commission On Judicial Conduct
1501 West Washington Street, Ste. 229
Phoenix, AZ 85007

Re: Self-Report Regarding 60-day Rule Violation in

Dear Commission Members:

I am writing to you to self-report regarding a violation of the 60-day provision for issuing Rulings on a pending matter of which I was unaware until recently.

On _____ my division received a telephone call from Petitioner's Attorney in the above-listed case enquiring whether I had issued my Ruling pertaining to Attorney Fees.

As background, I was assigned to _____ County at the _____ from _____ through _____ when I was then _____ to the _____ at the _____ on _____ On _____ Petitioner filed her _____ Affidavit pursuant to my court order issued on _____ I never received a copy of the Affidavit, nor was I advised it had been filed. (As an aside, my Division staff and I are unable to fully access _____) Opposing counsel was directed to file an objection to the Affidavit, if any, by no later than _____ Although an objection was untimely filed on _____ a copy of the pleading was never received in my Division. On _____ Petitioner's attorney filed a *Motion to Strike the Objection* for failure to provide Petitioner with a copy. Once again, my Division never received a copy of this *Motion*.

On _____ the parties appeared in _____ at the _____ where Petitioner apparently raised the Attorney Fees issue. The assigned judge referred the Attorney Fees issue back to me as set forth in the Minute Entry from that day. I was unaware of the referral until Petitioner's counsel called on _____ and my judicial assistant accessed the Minute Entry on the Court's website. Following the _____ Court hearing before the assigned judge, Petitioner's attorney filed a *Notice to Strike* the objection for being untimely on _____ A copy of that pleading was never received by this Division.

I had no knowledge or notice that any of the pleadings had been filed until which is/was beyond the 60-day time limit for filing my decision/ruling. Yesterday,

I authored my decision regarding the Attorney Fees and have submitted it to the Court clerk for filing. When I signed the avowal there were no outstanding rulings exceeding the 60-day limit, I was unaware of the pending issue(s) in this matter.

Should the Commission have any questions or concerns which I have not addressed, please feel free to contact me for the required information.

Sincerely,

Court