

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 20-011

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Judge:

Complainant:

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**ORDER**

May 12, 2020

A superior court commissioner 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.

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 member Michael J. Brown did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on May 12, 2020.

Comp  
2020-011

Commissioner

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

RE: Self Report of Delayed Ruling

To whom it may concern:

This letter is notice that I failed to complete an under-advisement matter within 60 days. I am sincerely sorry in inadvertently delaying the ruling until the 61<sup>st</sup> day. Although I have been a court commissioner for [redacted] without previously making this mistake, I have also established and renewed procedures to ensure the timely resolution to pending matters. I do not believe that this ruling involved an under-advisement certification issue.

Respectfully, I reviewed the Judicial Advisory Opinion 06-02, the Arizona Code of Judicial Conduct and specifically Canon 2, Rule 2.5 and its comment, former Canon3B(8) and Arizona Supreme Court Rule 91(e).

In [redacted] Court cause number [redacted], an evidentiary hearing was held on [redacted]. The exhibits included multiple tax forms and other documents. Needing time to review the documents, the matter was taken under advisement, and I did review all of the exhibits. In situations like this, my intent is to promptly review and complete the decision. Unfortunately, I routinely rely upon an under-advisement log to monitor deadlines. In this instance, however, the courtroom clerk failed to record this matter on the log. I did not independently calculate the deadline which ultimately my responsibility. On [redacted] the case was scheduled before another commissioner who contacted me to inquire about my ruling. I finalized the ruling that day. On that day or since, I did not calculate the length of the under advisement. On [redacted] Clerk of Court managers notified me that the ruling had been completed upon the 61<sup>st</sup> day. I have learned that the courtroom clerk recorded the matter into the under-advisement log after my order had been finalized and entered. My copy of my under-advisement log (dated [redacted]) is attached.

I recognize that the timely completion of rulings is my responsibility. During this time, in addition to my full caseload, daily court assignments, and routine work, several extra responsibilities also had my attention. I provide them not as an excuse but perhaps in explanation. In [redacted] and [redacted] the following responsibilities were completed:

- Completing well over [redacted] pending motions and default proceedings for a commissioner who had fallen behind, took leave without notice and eventually resigned. Several of these pleadings and defaults were languishing without resolution;
- Provided multiple days of hearing coverage for other [redacted] court divisions due to unexpected and short-noticed resignations; and
- Created or edited [redacted] court commissioner training guidebooks ( [redacted] ) as well as provided [redacted] court training for [redacted] replacement [redacted] court commissioners in the first week of [redacted]. There was certainly follow up training and mentoring as the new [redacted] court commissioners adjusted to their new assignments.

To avoid a similar mistake in the future, I implemented processes to memorialize the under advisements in my own computer, renewed my commitment to promptly resolve the pending matters and have worked with several clerk of court managers to ensure docketing of under advisement matters.

Again, I am extremely sorry for my error. As stated, this is my responsibility, and will continue to take the necessary steps to avoid a similar incident in the future.

If you have questions, please contact me at [redacted]

Respectfully,

[redacted]  
Commissioner

cc:

[redacted]  
Presiding Judge

[redacted]  
Presiding Family Department Judge

[redacted]  
Administrator, Courtroom Services

Under Advisement: Unruled-On Matters by Due Date

Selection/Sort Criteria

Plaintiff	Defendant	Hrg Date	Reason	Documents	Docs Due	UA Date	Rule Date	Exhibits
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**JUDICIAL OFFICER:**

RULE DUE:  
CASE NUMBER:

No

RULE DUE:  
CASE NUMBER:

No

RULE DUE:  
CASE NUMBER:

No

End of Report

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**From:**  
**Sent:**  
**To:**  
**Subject:** Quarter UA Report

Commissioner

As the quarter has concluded, I have generated the Under Advisement Report (for through ) and have identified the following matter listed below was ruled on late. I have checked with o confirm she received the ruling on this matter on the date reflected. This matter will be reported as ruled on late on the Quarterly Report. Please verify that you are aware this matter will appear on this report by responding to this email or, if you would like to like to discuss this in person, please let me know. Thank you.

Ruling Due Date:  
Rule Date:

Have a Great Day!

Courtroom Services  
Clerk of the Superior Court