

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-113

Judge:

Complainant:

ORDER

August 11, 2020

A superior court judge self-reported a delayed ruling in a criminal case.

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.

Copies of this order were distributed to all appropriate persons on August 11, 2020.

From:
Sent:
To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>
Cc:
Subject: Heads-up - 60 day notification

To Whom It May Concern-

I am writing this e-mail out of an abundance of caution and in the interest of full transparency. I accepted an out of county appointment from _____ on _____ in _____ County (_____).

Sometime in late _____ my Judicial Assistant, _____ (copied on this e-mail), notified me that _____ County had called and said the Defendant had filed a Motion for Status on _____ regarding _____ motions he had filed previously: (1) Motion for Production of Record (file _____ -- wanting to know why Judge _____ got off the case), and (2) Motion to Terminate Counsel (filed _____). We had received no prior notice that these filings had been made. Historically, when I have accepted cases from other counties (including _____ County), they would send over a courtesy copy of court filings that would allow my JA to track the files, calendar deadlines, etc on my calendar. This did not happen in this case.

Sometime in late _____ we were able to work with IT to allow me to view the Defendant's file on _____ County _____. However, once I was able to view the file there was still critical information missing from the record preventing me from making a ruling. For example, there are motions that were filed before I was appointed on the case that don't appear to have any orders. As I write this e-mail we still don't know if those motions were ruled on by the previous conflict judge (now retired). There are not complete list of "orders" in the _____ file. Therefore, once again I had my JA call _____ County to see if we could get clarification on the procedural posture on the case. Finally, this week I obtained sufficient information from _____ County that allowed me to issue an Order on _____ Based on when I became aware of the pending motions (late _____), I feel like I was within the 60 days of when the case was "submitted to me."

Today, _____, I became aware that the Defendant filed a special action with the Court of Appeals. Therefore, in the interest of full transparency I wanted to self-report the “issue” – although, I’m not entirely sure there is an “issue” – but I’d rather error on the side of disclosure.

Judge _____ has a new JA and I have relatively new JA. I have emphasized to my JA that we need to make sure anytime we accept a conflict case from another county we must specifically clarify the protocol for courtesy copies of filings, and how we are to be notified of filings so we can track them on our calendar. My JA has acted promptly to get information from _____ County anytime she was made aware of an issue. I can empathize with the Defendant’s point of view – as far as he is concerned he has been waiting for rulings on motions since late _____. However, I had no notice of such filings until late _____ and have worked with my staff and _____ County diligently to obtain the information I needed to rule on the motions. The motions were “submitted to me” less than 60 days.

Best regards,

Judge