

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-163

Judge:

Complainant:

ORDER

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. The Commission approved sending the judicial officer an advisory letter advising him to review Formal Advisory Ethics Opinion 06-02 and to implement procedures to avoid similar delays in the future. The Commission's file in the matter was closed, pursuant to Commission Rules 16(b) and 23(a).

Dated: August 14, 2020

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 14, 2020.

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix AZ 85007
Cjc@courts.az.gov

Re: Self-Reported Rule Violation

On [redacted] I received a petition for post-conviction relief. I did not properly calendar this petition and as a result did not rule on the petition within 60 days after it was submitted to me for a decision. The case is [redacted]. Even taking into account the fact that I took one day of bereavement leave on [redacted] (compare Arizona Supreme Court Administrative Order No. 2020-48), my ruling on that case should have been filed not later than [redacted]. As it turned out, I did not rule on the matter until [redacted] and I did not receive the clerk's proposed form of order until today, [redacted] (I approved it without any changes today [redacted]).

My failure to comply with the 60-day deadline was negligent but not intentional. I did receive the original email submitting the matter to me for decision on [redacted]. But then I lost track of the case and did not become aware of it again until [redacted] when a staff member reminded me that the case was still pending. When I received that communication, I immediately reviewed the pleadings, prepared a ruling, and sent it to the clerk assigned to process PCR rulings, all before the close of business on [redacted]. As noted above, I received the clerk's final draft today, [redacted] and immediately approved it for filing.

On [redacted] I signed a Superior Court Judicial Certification stating that, "No cause has been submitted to me for decision which remains pending and undetermined for 60 days or more since the date of submission for decision." The Certification showed an effective date of [redacted].

Given the fact that I ruled on the PCR on [redacted] and given the fact that the effective date of the statement is [redacted] it is unclear to me whether the statement on the form is incorrect. But I wanted to lay out the facts relating to the Certification to enable the Commission to determine whether I committed any violations with regard to the Judicial Certification, in addition to the violation I committed for failing to Rule on [redacted] PCR within the 60-day time limit of ARS 12-128.01.

I apologize for any violation(s) and take full responsibility for my non-compliance.

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Regardless of what the Commission decides to do, I have already taken steps to improve my deadline management system to make sure that this never happens again. Thank you,

Sincerely,

Superior Court Commissioner