

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 20-174

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.

After review, the Commission found that the commissioner failed to promptly rule on a matter under submission and inadvertently submitted inaccurate salary certifications. While this was improper under Rule 2.5 of the Code of Judicial Conduct and A.R.S. § 12-128.01, the Scope Section of the Code provides that not 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 Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer regarding the importance of ensuring timely disposition of matters under submission and ensuring the accuracy of all salary certifications.

Commission member Joseph C. Kreamer did not participate in the consideration of this matter.

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.

Comp (Self-Report)
2020-174

Judicial Conduct Commission
1501 W. Washington St., Ste. 229
Phoenix, AZ 85007

RE: County Superior Court

Dear Judicial Conduct Commission,

I am writing to report that pursuant to A.R.S. §12-128.01, I missed a 60-day motion completion deadline inadvertently. I immediately remedied it once I became aware of the problem and have taken steps to avoid future error. This is detailed below. I received a judicial certification extension for the months of _____ from Arizona Supreme Court Chief Justice Brutinel and have turned that in to have my prior certifications for those months amended. It is included.

I was assigned a Post-Conviction Relief (PCR) ruling in _____ Superior Court or _____ in CR. It was sent to me with a proposed ruling that the PCR application was untimely and should be dismissed. Normally, I would have done this by the end of the day, as it is a simple task to review and determine if I should approve the proposed ruling. I have no idea how I missed it. I was contacted by the Post-Conviction Relief Unit of the Criminal Department to ask if I needed anything else to make a ruling. I didn't recognize the case name. Immediately I searched for this case on my computer and found it in my deleted emails. I reviewed everything and got the ruling out within the hour. It does not excuse my error, but no harm or prejudice came to the case or person involved in the case due to the late order of dismissal of the untimely PCR filing.

I have no idea how I missed this. I methodically keep a list of pending rulings and have never missed one. I checked with the PCR Unit and have no outstanding or pending PCR review cases at this time. To avoid making this same mistake, I will continue to keep my rolling list of pending rulings. I have also started a special file just for PCR emails and will contact the PCR unit every month to verify I have nothing pending that I am missing. I also made sure my current JA is included in the PCR ruling assignment emails and she is keeping a list of them. We will consult on this monthly to assure we have the same information and I am current.

My deepest apologies, I never would have knowingly violated this rule. I have taken multiple steps to assure I will not make the same mistake in the future.

Sincerely,

Commissioner

Superior Court

FILED

CERTIFICATION

Pursuant to A.R.S. § 12-128.01, I hereby find the following regarding The
Honorable _____ Commissioner, Superior Court in
County.

Commissioner _____ has requested that application of A.R.S. § 12-128.01 be excused in the following matter:

County

Commissioner _____ has indicated she did not meet the 60 day requirement for ruling due to an oversight, and she has put in place procedures to ensure the same type oversight does not occur again. Commission _____ has now ruled on the pending matter.

I certify that the reason(s) provided by Commissioner _____ constitute(s) good cause for excusing the application of A.R.S. § 12-128.01.

This certification shall apply retroactively to the months of _____ through _____

Dated this _____ day of _____

- cc: Hon. _____ Presiding Judge
Superior Court in _____ County
- Hon. _____ Commissioner
Superior Court in _____ County
- Hon. _____ Clerk of the Court
Superior Court in _____ County
- Payroll, Administrative Office of the Courts