

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-214

Judge:

Complainant:

ORDER

A justice of the peace 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 reminding the judicial officer of his obligations under Rule 2.5(A) of the Code of Judicial Conduct. In addition, the judicial officer should review Formal Advisory Ethics Opinion 06-02 and implement such procedures to avoid similar delays in the future.. The Commission's file in this matter has been closed, pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: January 26, 2022

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on January 26, 2022.

Comp (self-report)
2021-214

Commission on Judicial Conduct
1501 West Washington Street
Suite 229
Phoenix, Arizona 85007

RE: Self Reporting Sixty Day Justice of the Peace Certification Violation

Honorable Chairman and Members of the Commission:

I am self reporting an unintentional violation of the sixty day ruling certification.

In spite of our court having a very rigorous hard-copy system for handling and keeping track of motions, responses and replies as well as consequent orders, I let more than 60 days pass in which I didn't act on a motion. The tracking system has been changed so that this can not happen again.

In brief, the circumstances on this motion by the defendant were that counsel for the state responded to the motion *and included a motion to reconsider*. The response was captioned as a response/motion. The defendant's reply was on [redacted] I issued an order on the defendant's initial motion in a timely manner. I failed to issue an order on the state's motion to reconsider which was included in its response.

On [redacted] after the end-of- [redacted] certification the defense council submitted a motion on an issue unrelated to the previous motion/response/reply. When reviewing that motion and placing it in our tracking system folder on this case I noticed the previously over-looked motion to reconsider. I issued an order on that motion on [redacted] The motion was denied. Neither party was prejudiced.

I signed a certification regarding the sixty day compliance on [redacted] which was in error.

We have applied a fix to the tracking folder system filing page's cover sheet which allows, at a " [redacted] ", to see the party's filings, each date, and whether it was ruled on, what the ruling date was that will prevent this from happening again. The fix is that if we get response which includes a motion then that motion will get a separate entry requiring a follow-up entry on the ruling information.

This error was entirely unintentional and will not happen again.

Sincerely,

Hon/

County