

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-269

Judge:

Complainant:

ORDER

January 25, 2022

A superior court judge self-reported that she failed to timely rule on multiple matters.

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 complaint is therefore dismissed pursuant to Commission Rules 16(a) and 23(a).

Commission member Roger D. Barton did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on January 25, 2022.

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

Re: Self-Report of Violation of Rule 91(e)

To Whom it May Concern:

I am self-reporting a violation of Rule 91(e) of the Rules of the Supreme Court of Arizona. I recently discovered I missed my 60-day deadline in several cases.

I am currently assigned _____ caseload in the _____ Court. As a
I am assigned a judicial assistant by our court administration. I have been assigned my current judicial
assistant for the past year. She has worked for the _____ Court for over _____ and was the judicial
assistant for our _____

During the last part of _____ my assigned judicial assistant was out of town. I had a temporary judicial
assistant assigned to my division during my normal judicial assistant's absence. My temporary judicial assistant
was very new and unfamiliar with my caseload. Due to this, I oversaw her daily activities to a greater extent than
I do with my regularly assigned judicial assistant as she needed more assistance and supervision. In doing so, I
noticed several hearings in cases had not been set _____ by my regularly assigned judicial assistant. I was
concerned about this, so I began to look into those cases in more detail. As I did so, I discovered errors in other
cases. Based on my growing concerns, I began reviewing in detail each of my _____ cases assigned to my division
one by one to investigate whether other errors had occurred in any of my other cases.

After spending several days reviewing all my cases, I discovered cases in which I had missed my 60-day
deadline in signing orders. I compared those cases to my regularly assigned judicial assistant's "_____"
summary sheet which she generates for me to track the due dates on pending rulings. I realized then that my
regularly assigned judicial assistant had not been accurately tracking pleadings filed, nor their deadlines.
Consequently, several cases had pleadings filed that were pending beyond 60 days.

I found [redacted] cases that had motions pending beyond 60 days. Some cases already had orders signed by the time I discovered the errors, but not before 60 days had elapsed. [redacted] that I found had not yet been ruled on, so I immediately issued those rulings. As of this date, I have no cases with motions pending more than 60 days.

None of the cases which had orders signed after sixty days were cases in which I took any matters under advisement. Rather, they were cases where a party had filed a motion that was not tracked by my assigned judicial assistant. Motions filed electronically do not come to the judge but are received by the judicial assistant and are supposed to be tracked until fully briefed. Once fully briefed, the judicial assistant is to provide the motion, response and any reply to the judge to issue a ruling. The assigned judicial assistant is also to prepare orders for the judge's signature for issues that either seek administrative relief or are unopposed. The motions that I discovered that were not ruled on within 60 days had not been tracked by my assigned judicial assistant. I was not aware the motions were filed, nor that they had remained unaddressed for any length of time.

Upon her return from time off, I met with my assigned judicial assistant and a member of court administration. I spoke with my assigned judicial assistant about the errors in tracking motions that I discovered. She acknowledged not tracking pleadings correctly and I learned in that meeting that she also had not been performing a monthly case review of our cases when court administration sent out monthly case summaries. I fully expected her to be performing these tasks and was not aware she was not doing so.

As of today, I have personally reviewed every one of my cases. All rulings have been issued on all motions other than the few that have been filed recently, those which are not yet fully briefed, or for those motions that are fully briefed, are correctly listed on my "[redacted]" task list. I have issued a [redacted] to my assigned judicial assistant advising her of my expectation that she will accurately track every pleading filed and will perform a monthly case review of every case assigned to our division, providing me with a detailed report of the status of every case assigned to me, including all motions filed and the date on which each party filed a pleading. I also did not sign my Superior Court Judicial Certification until I personally reviewed every case assigned to me to ensure compliance with the certification.

I provide this background to give the Judicial Commission context for how the errors in missing the 60-day deadline for ruling on motions occurred. These errors came to my knowledge almost through accident, but I fully recognize it is my duty to supervise my staff. I also acknowledge that ultimately the cases assigned to me are my responsibility and if my staff makes an error, or errors, it is I that will accept the consequences. I am the judicial officer presiding over the cases assigned to me and errors in diligently tracking pleadings are ultimately my responsibility.

I wanted to self-report to the Commission to be as transparent and honest as I can about missing the timeframes under Rule 91(e). I have made court administration and my Presiding Judge aware of the issue and have taken all steps possible to correct the errors in my division moving forward.

Respectfully,