

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 22-015

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Judge:

Complainant:

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**ORDER**

August 10, 2022

A superior court judge 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. Accordingly, the Commission's file in this matter has been closed, pursuant to Commission Rules 16(a) and 23.

Commission members Roger D. Barton, Joseph C. Kreamer, Delia R. Neal, and Christopher P. Staring did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on August 10, 2022.

**To:** [Commission on Judicial Conduct](#)  
**Subject:** self-report 60-day violation  
**Date:**  
**Attachments:**

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I need to report myself for violating the 60-day ruling deadline. I also signed at least one 60-day certification during the time period the ruling was late, unaware that a ruling was pending.

I am attaching what I hope are the relevant documents but if you need additional information please let me know.

On [redacted] I received a Petition for Expungement in a criminal matter. See “Petition,” attached.

On [redacted] we sent out our stock Notice that provides Response and Reply deadlines to both the [redacted] as well as the Defendant. See “Initial Expunge ME,” attached.

In that minute entry, we also set an Internal file review date of [redacted] County is transitioning from paper to electronic files in the [redacted] and while paper files are still being used to some extent, paperwork and filings contained in those files is not always up to date. There is also some inconsistency in whether a paper file will be brought to a judicial division for internal file reviews or not. However, when an Internal Review date is set on a minute entry, the Clerk’s Office does calendar that date for an in-chambers review and the case should appear on the judicial division’s weekly calendar.

Because we have no [redacted] ( [redacted] ), each division has had to develop their own system to ensure that deadlines are being met. In my division, we created a shared task list in Outlook that allows both my JA and I to calendar pending rulings, make notes on those reviews and change deadlines depending on requests from parties. It’s not the most sophisticated tool, but it’s better than nothing and generally works very well with both of us keeping an eye on deadlines.

As an additional safety measure, we also set these types of cases for Internal Reviews to ensure that either the file will be brought to our divisions or that the matter will appear on our Weekly Calendars.

On [redacted] shortly after we sent out our Initial Expungement Minute Entry, I rotated case assignments to the [redacted] Division and Judge [redacted] took over my [redacted] caseload. Exceptions to reassignment should include matters like the [redacted] case as it was pending a decision from me.

The [redacted] did not file a response in this matter.

After we sent out the Notice in \_\_\_\_\_ my JA simply forgot to add the case to the Task List. Ordinarily, although problematic, this would not have been a catastrophe as the case would have appeared on my Weekly Calendar that is automatically generated in \_\_\_\_\_ and that our JAs check every week to ensure that we have all pending matters for review. However, since Judge \_\_\_\_\_ took over my case assignment, it appears that the Clerk's Office automatically reassigned the case to him and added it to *his* weekly calendar for review on that \_\_\_\_\_ due date. See the attached screenshot of \_\_\_\_\_ labeled "\_\_\_\_\_"

I do not know whether the file was brought up to Judge \_\_\_\_\_ division or not. Between staff and judicial vacations, sick time and quarantines, the months of \_\_\_\_\_ and \_\_\_\_\_ were rather chaotic. Regardless, the file was not brought to my division nor did the internal review appear on my Weekly Calendar during the week of \_\_\_\_\_

On \_\_\_\_\_, my JA alerted me to the late ruling and told me she had simply forgotten to add the case to our task list. I issued a ruling immediately. See "\_\_\_\_\_ Expunge Order," attached.

After the ruling was late, which would have been on \_\_\_\_\_, I signed one 60-day certification on \_\_\_\_\_. I believe we signed our certifications on \_\_\_\_\_ the week of \_\_\_\_\_ so I think I was also in violation of the rule when I signed the one for the pay period ending \_\_\_\_\_

I have discussed remedies with my JA. In the absence of a more sophisticated, automatic tickle system, we do believe our task list is our least-worst option, but human error is always going to be our weakness. Here, several things occurred at the same time creating a perfect storm in which the ruling was simply not addressed within time limits. Regardless of whether she neglected to add the case to our task list, it is ultimately my responsibility alone to ensure that everything is calendared appropriately and rulings are handled on-time.

I should also mention that while our local rule 6.2(b) does alert litigants of their "duty" to file a notice of impending time limits in cases where a decision is not forthcoming after 45 days, in no way does that rule obviate our obligations under Rule 2.5.

Since this occurred, we are reviewing the remainder of the criminal items on our task list to confirm that the matters pending decision from me have not been inadvertently reassigned to Judge \_\_\_\_\_. My JA is in regular contact with Judge \_\_\_\_\_ JA to make sure that she is aware of the \_\_\_\_\_ matters that we still have pending in the event the files are brought to their division, or in case the matter is calendared for him instead of me.

In short, I hope this information satisfies the commission. I am extremely embarrassed that this has occurred – \_\_\_\_\_ – and I will gladly undertake any other remedial efforts the commission thinks appropriate. I understand how important timely rulings are to all individuals who find themselves before the court, but particularly the expungements when the court's ruling may have a significant impact on the litigant's life.

Please let me know if you have any questions, or if you need additional information.

Thank you for your time

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*(CJC Insert Sheet – Not Originally Submitted)*

Person Filing:

Address (if not protected):

City, State, Zip Code:

Telephone:

Email Address (Required)

Lawyer's Bar Number: 00

☒ Representing Self, without a Lawyer or ☐ Represented by Attorney

## SUPERIOR COURT OF ARIZONA COUNTY

State of Arizona

Case Number :

vs.

Petition to Expunge Marijuana-Related Offense  
Records and Restore Civil Rights, Including  
Firearm Rights, Pursuant to ARS § 36-2862

Defendant

HONORABLE: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

The above-named Petitioner, pursuant to ARS § 36-2862, hereby requests that the Court order expungement of Petitioner's criminal history records. As grounds for this petition, Petitioner states as follows:

### A. REQUIRED INFORMATION

1. **Eligible Charge.** I hereby request that the law enforcement and court records for the following offense, eligible under ARS § 36-2862, be expunged (*choose from the following; if you had more than one eligible offense under more than one case number, file a separate petition for each offense*):

☒ Possessing, consuming, or transporting two and one-half ounces or less of marijuana, of which not more than twelve and one-half grams was in the form of marijuana concentrate.

☐ Possessing, transporting, cultivating, or processing not more than six marijuana plants at my primary residence for personal use.

☐ Possessing, using, or transporting paraphernalia related to the cultivation, manufacture, processing, or consumption of marijuana.

2. Name of citing or arresting law enforcement agency: THE STATE OF

3. Superior court case number: \_\_\_\_\_

4. My name at the time of arrest was (*if different*): \_\_\_\_\_

**THE COMMISSION'S POLICY IS  
TO POST ONLY THE FIRST FIVE  
PAGES OF ANY DISMISSED  
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE  
REMAINDER OF THE  
COMPLAINT IN THIS MATTER,  
PLEASE MAKE YOUR REQUEST  
IN WRITING TO THE  
COMMISSION ON JUDICIAL  
CONDUCT AND REFERENCE  
THE COMMISSION CASE  
NUMBER IN YOUR REQUEST.**