

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-232

Judge:

Complainant:

ORDER

September 14, 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 Denise K. Aguilar, Roger D. Barton, Barbara Brown, and Colleen E. Concannon did not participate in the consideration of this matter.

Copies of this order were distributed to all appropriate persons on September 14, 2022.

Comp (Self-Report)

TELEPHONE

01mrt

2022-232

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

Subj: Self-Report – Delayed Ruling

Dear

I wish to advise the Commission that a *Request for Post-Conviction Relief* filed in v. () was not ruled on within the 60 days required by Art. 6 Section 22 of the Arizona Constitution. The circumstances surrounding this occurrence involved a glitch in the processing of filings in the new e-filing system in County. New protocols have been adopted to prevent this from happening in the future. Here is my understanding of what transpired, based on my conversation with members of the Clerk's office.

County recently transitioned to electronic filings in cases. As documents are filed, a Deputy Clerk images them and then assigns a code to each document designating the Division it is assigned to. Those filed documents are then electronically sent to what amounts to the Division's electronic "in-box". Each morning, the Division's Judicial Assistant checks the in-box to see what has been filed the previous day. Any pleadings requiring action by a judicial officer are placed into a tickle system and monitored for time.

If the Deputy Clerk mistakenly omits the Division's code or uses the wrong code, the document is not sent to the correct Division until the mistake is discovered and corrected. When the pleading is sent to the Division, it is placed in the in-box on the day it was originally filed and not the date it was corrected. The Judicial Assistant has already cleared out the box for that date and would have no reason to know anything was placed back into that in-box.

Unfortunately, this is what happened here. Apparently, when the Defendant's *Request for Post-Conviction Relief* was electronically filed, a Division code was omitted. The following day, it was corrected and placed into the Division's in-box for the previous day. My Judicial Assistant would not know to check the previous day's in-box for documents or pleadings. It was only after the same Defendant filed another document in his case that the issue came to my attention. Defendant's *Request for Post-Conviction Relief* was timely addressed from the date it was discovered by my Division.

I have attached an email from our Clerk supervisor explaining in more technical terms what happened in my situation. Based on the email, this situation is not likely to reoccur. We will continue our efforts to work out the bugs in the new electronic filing system.

Please contact me if you have any questions or need additional information. Thank you.

Very truly yours, /

cc: Hon. Presiding Judge

Information Re:

.gov>

To:

• .gov>

Cc:

• .gov>;
• .gov>

1 attachments (166 KB)

SnipImage.JPG;

Good morning Judge

Based upon our phone call, here is a brief synopsis of what occurred with the Post-Conviction Relief Notice filed in case on
Based upon the history of the document (which is attached), the notice was received electronically by our office on It
was then uploaded into and on but not keyworded to your division until the next day,

Unfortunately, when a keyword is added after the date the document is originally scanned/uploaded into it does not appear on the
reports run by your Judicial Assistant. The clerk who processed the notice was unaware of this. The clerk now understands that our office policy
is to send the document by email or hard copy in these situations.

I apologize for the error and hope that this explanation helps anyone reading it understand the issue that occurred here. If there is further
issues or questions I can help with, please let me know. Thank you!

Superior Court's Office

