

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 22-435

Judge:

Complainant:

ORDER

A superior court judge self-reported a delayed ruling in a civil case.

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 the judge issued a delayed ruling. The Commission approved sending the judge an advisory letter reminding of the obligation to issue timely rulings. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton, Barbara Brown, and Delia R. Neal did not participate in the consideration of this matter.

Dated: February 8, 2023

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on February 8, 2023.

COMP(Self-Report)

2022-435

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 a single case. This letter is difficult to write because I have met every deadline, and in many cases have issued rulings well before the deadline, in every motion filed in my division in the more than two years since I was appointed to the bench in _____ County, until now.

I am currently assigned a caseload consisting of civil matters, family law matters, and probate matters, primarily guardianships and conservatorships in the _____ County Superior Court. I employ a judicial assistant. I have worked with my judicial assistant for the past two years, hiring her just a few months after taking the bench.

On _____ I issued an under advisement ruling on a motion to dismiss in a civil matter. The motion was filed on _____ the response was filed on _____ and the reply was filed on _____. The deadline for the ruling to be issued would have been _____. My under-advisement ruling was therefore two weeks past due.

For context, the response to the motion to dismiss was filed as a combined pleading filed as both a motion to amend and the response to the motion to dismiss, with the motion to amend leading in the caption. The reply necessarily contained a response to the motion to amend as well as the reply to response to the motion to dismiss. Because of the joint filing, the fact a reply was filed was initially missed. Luckily, my assistant caught it shortly after it was filed and followed the same procedure we have followed.

In the two years I have served on the bench, my judicial assistant and I have been diligent on communicating about all fully briefed motions which become ripe for ruling. The process we have utilized is similar to the process most other judges utilize. My judicial assistant learns a motion has been filed, prints it out, and places it in a drawer folder correlating to the date for which the response is due. If no response is filed, she prepares the "packet" of which I will go into more detail below. If a response is filed, she moves the motion and response to the folder of the date correlating to the date for which a reply is due. Once the motion is fully briefed and the response and reply times have passed, my assistant prepares the "packet". The packet consists of all filed memoranda and includes a bright red cover sheet which includes the case name, number, and due date in large font. My assistant also prepares a summary which consists of the cause number, case name, the date the motion is under advisement, a 30-day date, a 15-day date, and a due date, or the 60-day limitation.

In this instance, once it was realized a combined reply was filed, the packet was prepared and placed in my inbox for my review. Simply put, it got lost in the stack. Likewise, for some unknown reason, it was not included on the summary. Had I been more diligent, I would have noticed the packet was on my desk but not included on the under-advisement list with a due date. I could have cross-referenced the two, would have easily saw a pending motion with a due date of and could have updated the summary. I neglected to do so.

Moving forward, this situation should be an isolated one. My assistant and I have the procedure in place. The remedy is to add a step by cross-referencing the packets with the summary. I will certainly do so in the future.

Respectfully, 

Hon

County Superior Court,