

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-083

Judge:

Complainant:

ORDER

May 12, 2023

A superior court commissioner self-reported a delayed ruling in a juvenile 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 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 members Roger D. Barton, 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 May 12, 2023.

Attachments: [image001.png](#)

From:

Sent:

To: Commission on Judicial Conduct

Subject: Com. delinquent decision self-report

Good morning:

I am a Commissioner in the Superior Court. I am reporting that there was an application to destroy juvenile records that had been submitted for my decision and was pending for more than sixty days. This decision concerned . At this point, my decision has been written, filed, and distributed to the parties.

The application to destroy records was originally filed on when another judicial officer had the juvenile court assignment. I began working as a Juvenile Court Commissioner on . As of today, I have been in this position for . Unfortunately, my last judicial assistant left her position on . She found the position to be too challenging. I was not made aware that this matter had been submitted to me for a decision until . As soon as I became aware of this, I reviewed the request, wrote an order, and filed it with the clerk. My judicial assistant has also contacted the parties and informed them that the order has been entered. She also emailed a copy of my order to the attorney who filed the request.

In our court's file assignment process, matters like this for " " by scheduling them on calendars in . Judicial assistants review these calendars and make the judges aware of requests pending decision. For reasons that are not known to me, my last judicial assistant did not make me aware of this assignment before she left. This responsibility had been fulfilled by my prior judicial assistants and I was not aware that my last judicial assistant was unable to fulfill this responsibility.

I understand that it is my responsibility to supervise staff in a manner that fulfills my ethical obligations to resolve matters promptly. This experience has served as a wake-up-call. I am now regularly monitoring the calendars which list the matters assigned to me for review, and I do not simply leave this responsibility to my judicial assistant. I also believe that my current judicial assistant will be better able to help ensure that this does not happen again.

I am aware that Code of Judicial Conduct Rule 2.5 requires that I perform "judicial and administrative duties competently, diligently, and promptly." I am also aware the comment to Rule 2.5 requires that I "seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities" and "take reasonable measures to ensure that court

officials cooperate with the judge to that end.” I am further aware that “[a] judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.”

I have read through the Advisory Opinion 06-02

I understand that it is my obligation to report situations like this to the Arizona Commission on Judicial Conduct. I also regularly certify that I do not have any decisions that remain pending for more than 60 days. I did not sign such a certification during the time that I was aware this decision was delinquent. Now that the decision has been completed, does it in any way effect my ability to certify that I do not have any current delinquent decisions?

Is it my responsibility to inform anyone else of this situation, such as my supervisor or the Presiding Judge?

Thank you for your consideration of this matter.

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