

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 17-281

Judge:

Complainant:

ORDER

A superior court judge self-reported delayed rulings in two civil matters.

The responsibility of the Commission on Judicial Conduct is to impartially determine if the judge engaged in conduct that violated the provisions of Article 6.1 of the Arizona Constitution or the Code of Judicial Conduct and, if so, to take appropriate disciplinary action. The purpose and authority of the commission is limited to this mission.

After review, the commission found no evidence of ethical misconduct and concluded that the judge did not violate the Code in this case. The commission approved sending the judge an advisory letter advising him to review Rule 2.5(A) of the Code, as well as Formal Advisory Ethics Opinion 06-02, and to implement procedures to avoid similar delays in the future. The Commission's file in the matter was closed, pursuant to Rules 16(b) and 23(a).

Commission members Roger D. Barton, Peter J. Eckerstrom and Diane M. Johnsen did not participate in the consideration of this matter.

Dated: November 13, 2017

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on November 13, 2017.

This order may not be used as a basis for disqualification of a judge.

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

Re: Self-Report/Failure to Issue Rulings Within 60 Days

I am writing to report that in instances I failed to issue rulings within the 60-day deadline set forth in Article 6, § 21 of the Arizona Constitution. My failure to issue timely rulings on these motions resulted from the fact that I was unaware that the motions had been filed. They were electronically filed, and (who, as of) failed to properly forward them to me for my review and ruling.

On , the plaintiffs , electronically filed a motion for partial summary judgment. The motion was fully briefed upon the filing of the plaintiffs' reply on , and no party had requested Oral Argument. At that point, should have electronically transferred the motion to the " " for my review and ruling. That is the practice that is followed here at my office. Instead, for reasons I don't understand, transferred the motion to a " " folder, where it remained until came across it on and forwarded it to me.

The " " folder is not something that is ever used by me or, to my knowledge, anyone else at my office. I can only assume that intended to transfer the motion to the " ," and transferred it to the " " folder by mistake.

On , one of the defendants , filed a motion for partial summary judgment. The motion was fully briefed by , and no party had requested Oral Argument. Again, transferred the motion to the " " folder instead of to the " ." I was unaware that this motion had been filed.

Once I became aware of the motions, I promptly resolved them. (I granted one, and the other was deemed moot due to certain events that had occurred in the case after the motion had been filed.)

The " " file contained . To the best of my knowledge, therefore, these are the only motions that failed to properly transfer to the " " for my review and ruling. is aware that motions are to be transferred to the " " once they are fully briefed; I do not believe she will repeat the mistake made by I . Furthermore, as an additional precaution, I will now periodically check the " " folder myself just to make sure that nothing has been inadvertently transferred there.

Please let me know if you require additional information from me.

Very truly yours,