

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 17-296

---

Judge:

Complainant:

---

**ORDER**

A superior court judge self-reported delayed rulings in two 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) and Formal Advisory Ethics Opinion 06-02. The Commission's file in the matter was closed, pursuant to Rules 16(b) and 23(a).

Dated: January 31, 2018

FOR THE COMMISSION

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

Copies of this order were distributed to all appropriate persons on January 31, 2018.

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

Self-Report Ltr  
2017-296

Arizona Commission on Judicial Conduct  
1501 W. Washington St., Ste. 229  
Phoenix, AZ 85007

Re: Under advisement affidavit

Dear Commission Members:

I recently learned that motions assigned to my division were under advisement for greater than 60 days. My judicial assistant told me of the situation on [redacted] and gave me the complete sets of briefs that day. I issued rulings within [redacted] of receiving the complete sets of briefs. I had not known that the matters were fully briefed before [redacted]. While my statement regarding matters under advisement dated [redacted] was incorrect, that error was neither intentional nor knowing. I am filing an amended statement to supplant the original dated [redacted].

One of the briefed matters related to an [redacted] and the [redacted]. Briefing on that [redacted] ended. The [redacted] briefed matter involved a [redacted]. Judge [redacted] (whose calendar I assumed) overruled the objections on [redacted] and the [redacted] filed a " [redacted]" on [redacted].

My judicial assistant explained on [redacted] that [redacted] overlooked the reminders to check the briefing status on these items in the Court's [redacted] system. Thus, Judge [redacted] staff or my staff correctly calendared the due dates for briefing to close. Unfortunately, however, my staff did not see the entries for these [redacted] items. As a result of this error, my staff resumed using a protocol that involves the judicial assistant and the bailiff cross-checking each day's reminders [redacted]. I believe that reinstating this dual-check protocol will eliminate such errors.

I regret this situation very much. My staff and I know how important it is to litigants to receive timely rulings on matters. Please accept my apologies for the error and rest assured that we have implemented corrective measures.

Very truly yours,