

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 23-452

Judge:

Complainant:

ORDER

The Complainant alleged a superior court judge made a delayed ruling in a petition to seal records.

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.

After review, the Commission found the judge issued a substantially delayed ruling. The judge's conduct violated Rules 1.1 and 2.5(A) of the Code of Judicial Conduct, along with Art. 2, §11, and Art. 6, §21 of the Arizona Constitution. Respondent's conduct also violated A.R.S. §12-128.01, relating to payroll and certifications of compliance. The Scope Section of the Code provides that not every transgression will result in the imposition of discipline. The Commission decided, after considering all the facts and circumstances, to dismiss the Complaint pursuant to Commission Rules 16(b) and 23(a), but to issue a warning letter to the judicial officer reminding of the obligation to issue timely rulings.

Commission members Louis Frank Dominguez and Delia R. Neal did not participate in the consideration of this matter.

Dated: September 20, 2024

FOR THE COMMISSION

/s/ Christopher P. Staring
Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on September 20, 2024.

CONFIDENTIAL

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

FOR OFFICE USE ONLY

2023-452

COMPLAINT AGAINST A JUDGE

Name: Judge's Name:

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

I filed a petition to seal under ARS 13-911 on [redacted] I continued to call to follow up on the status and was repeatedly advised that Judge [redacted] was reviewing the case until finally being advised that the case was assigned to judge [redacted] I called and followed up and was advised that a decision could take 60 days or more. I also filed more documents into the case [redacted] I then filed a motion for timely ruling on [redacted] All of this with no follow up from anyone! I left voicemail for status updates with Judge [redacted] department, but did not receive any update. Finally in [redacted] I was able to speak with Judge [redacted] udicial assistant [redacted] who advised me that the case was assigned to judge [redacted] on [redacted] and that there must have been an error and she would call Judge [redacted] judicial assistant to give me a call. Judge [redacted] assistant advised me that there was nothing they could do it was just assigned to them and they were unaware but that she would put it in the judge's bin. I called again and was advised again that there was nothing that could be done to speed the process along. This was on [redacted] I once again had no choice but to wait, and finally called today to which judge [redacted] assistant advised me that it was given to the judge but he went on vacation 3 days later and thats why no decision has been made..... I am at an absolute loss for words and filled with an overwhelming sense of exhaustion in the amount of time I have spent on this issue. I am not a court employee however I feel that I have completed at least one solid shift as an intern. Nonetheless, I am simply requesting a timely decision be made as I am aware there is even more waiting involved when waiting for [redacted] to update the arrest record if the petition is granted. Thank you.

Respectfully,

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