

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

---

Disposition of Complaint 24-181

---

Judge:

Complainant:

---

**ORDER**

A superior court commissioner self-reported a delayed ruling in a probate 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 Commission approved sending the judge an advisory letter reminding of the duty to issue rulings timely under 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, A.R.S. §12-128.01, A.R.S., relating to payroll and certifications of compliance. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Joseph C. Kreamer 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.

Comm.  
Superior Court of Arizona, County

24-181

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

Re: Self-Report of Delayed Ruling

Dear

I am writing to report that I issued a ruling more than 60 days after a motion for summary judgment was fully briefed in \_\_\_\_\_, \_\_\_\_\_ County Superior Court case \_\_\_\_\_ . Specifically, the reply in support of summary judgment was filed on \_\_\_\_\_, and so I should have issued a ruling by \_\_\_\_\_. However, I did not issue the ruling until \_\_\_\_\_, the day after I learned of this error.

Although there is no excuse for this delay, I believe I understand the reasons why this happened and have already taken steps to ensure that this does not happen again. For context, the

Department does not have any form of electronic filing and so our divisions rely exclusively on paper- and email-based systems to create the checks and double-checks needed to track our cases. We also rely on the parties to comply with Arizona Rule of Probate Procedure 19(b) which states that “[w]hen filing a motion, response, or reply, the filing party must provide a copy of the filed document to the assigned judicial officer.”

Unfortunately, all of those systems and redundancies failed here: my judicial assistant and I did not monitor the motion successfully and my division was not provided a copy of the reply. As a result, I did not know that the motion was fully briefed until \_\_\_\_\_, when my judicial assistant discovered the error. As I noted earlier, I issued a ruling the following day.

Since then, my judicial assistant and I have adopted an additional back-up system for tracking cases. I have also talked with Judge \_\_\_\_\_, the Presiding Judge of the department, about this situation and asked his advice about other systems for my division to make sure this does not happen again. My judicial assistant is also taking this seriously and has set up a time to meet with the department’s trainer to discuss other best practices that we can adopt.

I want the Commission to know that I take this delayed ruling very seriously: it is my obligation to make sure that I issue timely rulings, and that did not happen here. I take full responsibility for this error and for ensuring that it never happens again.

Sincerely,