

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 24-163

Judge:

Complainant:

ORDER

A superior court commissioner self-reported a delayed ruling on a request to seal a 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, and A.R.S. §12-128.01, relating to payroll and certifications of compliance. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission member 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.

Attachments: [image001.png](#)

From:

Sent:

To: Commission on Judicial Conduct <CommissionJudicialCo@courts.az.gov>

Subject: , Self Report, Delinquent Decision

Good afternoon:

I am a Commissioner in the Superior Court. I am reporting a delinquent decision of my own, which was not decided within 60 days. The decision concerned a Petition to Expunge Marijuana Related Offense Records and Restore Civil Rights. The Petition was filed in case # . In this case, the defendant was never convicted of a crime and his civil rights were not suspended, but he did have a right to expunge the records of his arrest and charge.

The application to destroy records was originally filed on . I did receive and review the request, and I gave thirty days to respond. did respond and I drafted an order granting the request. Unfortunately, for reasons that are currently unknown to me, I did not issue or file an order. I can say, that during that period, I was covering an additional assignment due to the retirement of another judicial officer, who's position had not yet been filled by a new judicial officer. I understand that these circumstances do not excuse my conduct. But, I was quite busy at that time and unfortunately, I failed to follow through on this matter.

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. . ." 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 Arizona Supreme Court Judicial Ethics Advisory Opinion 06-02 April 25, 2006. I can say that I was not aware that this decision was outstanding when I certified that I did not have any outstanding decisions that were older than 60 days.

This delinquent decision was brought to my attention on , at . I filed and distributed the Order granting the request prior to noon on .

I plan to help ensure this does not happened again by scheduling an internal review in my division in every time I receive a request that will not be decided immediately.

I greatly appreciate the opportunity to serve the public in this position and I will work hard to serve them more diligently in the future.

Thank you for your consideration of this matter.

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