

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-036

Judge:

Complainant:

ORDER

A superior court judge self-reported a delayed ruling in a family law 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. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: June 9, 2025

FOR THE COMMISSION

/s/ Christopher P. Staring

Hon. Christopher P. Staring
Commission Chair

Copies of this order were distributed to all appropriate persons on June 9, 2025.

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

(via email and US Mail)

Re: Self – Report: Unintentional violation of obligation to rule within sixty-day time limit

Dear

I write this letter to self-report an unintentional violation of my obligation to rule within sixty days on an Application for Attorney fees in family law case I was not aware that the ruling was pending because I ruled on an attorney fee application that was due around the same time as the missed application. Once I became aware of the missed ruling, I immediately issued a ruling. The case wherein the error occurred is a non-complex, but the parties are high conflict and there were multiple filings and orders occurring within days and while decisions following trial were pending. This deficiency impacts my judicial certification for the months of and

Case Facts – FC2022-092767

The action for Dissolution of Marriage was filed The first Motion for Temporary Orders was filed The parties stipulated to Temporary Orders entered on I took over responsibility for the case in after judicial rotation. Petitioner filed a Motion for Temporary Orders without Notice on The motion was granted on an *ex parte* basis and following a Temporary Orders Hearing, modified Temporary Orders were entered on The final trial on the Petition for Dissolution of Marriage was scheduled for

following trial, I took the dissolution decision under advisement. while the dissolution was under advisement, Petitioner filed a Petition to Enforce and for Contempt of Temporary Orders.

On I issued the Decree of Dissolution and granted an award of attorney fees to Petitioner. The deadline for the application for attorney fees was set for and the deadline for Respondent to object was

On the Petition for Enforcement and Contempt was scheduled for a virtual Resolution Management Conference on

On _____ at the end of the Resolution Management Conference, the Petitioner's _____ Petition for Enforcement and Contempt was dismissed. Respondent requested an award of attorney fees. I did not immediately grant the request but advised counsel I would consider their oral arguments and issue a minute entry.

On _____ Petitioner filed her application for an award of attorney fees awarded in the Dissolution. On _____ I issued a minute entry granting Respondent's request for attorney fees relating to the _____ Petition for Enforcement and Contempt that was dismissed on _____. On _____ Respondent filed his Objection to the fee application in the Dissolution.

On _____ Respondent filed his Application for Award of Attorney Fees on the dismissed Petition for Enforcement and Contempt and Petitioner filed her objection on _____. There were two fee applications pending at the same time. I entered a judgment for attorney fees on _____ on the Petition for Enforcement and Contempt via efile. Once I ruled, all associated/linked documents are automatically removed from my inbox in efile. Unfortunately, I did not enter a judgment on an award of attorney fees on the award of attorney fees granted on the Petition for Dissolution.

On _____ Petitioner filed another Petition for Contempt and Order to Show Cause. The evidentiary hearing was scheduled for _____. Following that hearing, the matter was taken under advisement and a ruling entered _____ and I granted another award of attorney fees. The application for the award of attorney fees was filed _____ and the objection filed _____. This is pending now pending ruling.

On _____ Petitioner's counsel filed a " _____ " advising me that more than 55 days had passed since the Application for Attorney Fees submitted on _____. The notice advised that Respondent did not file an objection, however review of the docket reflects this is incorrect as Respondent timely filed his objection on _____. I received the notice in my efile on _____. I had no prior knowledge that this was pending ruling and, although not required, neither counsel inquired about the status of the ruling at any time over the months the ruling was delayed.

Actions Following Receipt of Notice

Immediately following receipt of the notice, I reviewed the docket and determined the application remained pending. I researched my documents and did not see that I had generated an order. I also reviewed my email to see if staff had emailed a proposed form of order for my signature and I researched my email to see if I had emailed an order to my clerk for processing. When this did not yield results, I researched the document notation trail staff maintains in _____ to verify when the application was received and how it was processed. I found one entry that noted the Application for Attorney Fees award relating to the Petition for Dissolution, the associated deadlines,

receipt of the application and objection and that the documents were forwarded to me via efile on [redacted]. There was no entry for the application for fees awarded relating to the Petition for Enforcement and Contempt.

From my review of the records, I was able to see that one application was ruled on and the other was not. I again researched my documents to see if I had an order that I drafted and saved and reached out to my assigned clerk to see if she had record of me ruling outside the efile system. I thought perhaps that if I ruled on the application, it could have been misfiled in another case or lost somewhere along the process. When legal counsel does not file a proposed form of order, I will either ask my staff to contact legal counsel and ask them to submit the proposed form of order, or I will prepare an order and send it to my clerk for filing. My clerk noted that she had no record of my requesting her to file a separate order. I immediately ruled on the application and emailed the document to my clerk for processing late in the afternoon on [redacted].

My clerk processed the document on [redacted] but the document did not appear on docket until [redacted].

I met with my Judicial Assistant and Courtroom Assistant on [redacted] to ask them to review their records to determine whether there was record of my ruling or if there was an email to counsel requesting a form of order. I also asked them to review the [redacted] system to try to determine what happened. After reviewing the records in [redacted] and the dates noted in the two applications compared to the notes in [redacted], my Judicial Assistant concluded that she must have inadvertently linked all the documents to one application because there was only one entry in [redacted] that references the award of fees in the Dissolution (the unruled on application) and there is no note that an application and objection was received for the dismissed Petition for Enforcement, however the judgment entered on docket and ruled on via efile relates to the fee award in the Petition for Enforcement. Due to the passage of time from when I ruled on the application in efile in [redacted] to the time Petitioner filed the Notice in [redacted] the documents were removed from the efile system. I have no other mechanism to trace the documents in the efile system after the passage of time.

The failure to timely rule was an honest error and oversight and my responsibility.

Division Operations

We have a procedure to track documents filed to try to make certain things do not get lost given the significant number of cases each family court division is assigned to it and the high volume of documents that may be filed in any case. Documents come to the division either in paper format delivered to the division or electronically via the efile system. We use the ' [redacted] ' section in [redacted] to keep some notes and track things like hearings or events, whether a party has taken the Parent Information Program, addresses, etc. When a motion or pleading is received by the division, regardless of the method of delivery, staff will create a note in " [redacted] " to document the type of document received, when it was filed on docket, when it was [redacted].

received by the division, and what happened to it after it was received. If it is something that requires my immediate action, such as a Motion to Alter or Amend, it is noted in _____ and the document sent to me for action, either in efile or on paper. If it something that needs to be held pending the filing of a response by the opposing party, it is held pending the filing of a response and/or reply or the passage of the opposing party's deadline to file. If the filing is via efile and when the matter is fully briefed or the time limit for briefing is passed, all documents relating to the pending issue are linked together and sent to me either in paper format or via efile. If I rule on paper, the staff processes the paperwork, and the clerk enters the ruling manually. If the motion/pleading is submitted via efile, and a proposed form of order is attached, I can rule via efile. If a proposed form of order was not submitted, I will either ask my staff to contact the attorney for a proposed form of order one or I will create a separate order and attach it to the pleading and file via efile. If there is something else needed, I will draft a minute entry and email it to the clerk for processing. Once an order is processed in efile, it disappears from my efile inbox. I can no longer access it and must ask for staff to transfer the documents back to me if needed.

While this practice takes additional staff time, we adopted this practice to provide me and staff a record of what happened to each document once it enters the division in the event of a question or issue. It also provides other judicial officers and commissioners who may be handling emergency coverage or a portion of the case, or court staff who may be providing coverage for a staff member who is out of the office knowledge about what is happening in the case. The procedure also allow provides my staff an opportunity to review significant events that are noted for me when we are preparing for a hearing, such as when dismissal dates are set, whether there is an Order of Protection, if the matter has been reset, if there are pending issues or agreements.

While our division practice of noting in _____ has been beneficial, although time consuming, it does have some limitations and weaknesses. First, we have no control over where processed documents go once, they are "entered" or sent to the clerk for processing. I've had two instances where I ruled on a matter and the document disappeared and no one can trace it. In one of those cases, I can see in _____ that I entered an order, but the order has never automatically appeared on docket and was never sent to the parties. In the second instance, the order has never been found. However, in both instances, we were able to have the clerk file the documents manually. I also do not have control over any delay between when submitted documents are filed and when they appear on the docket. Sometimes this can take several days. Second, when we use "floaters" to cover staff responsibilities when one may be out of the office, we have no control over the experience, training or expertise of coverage staff. Each division operates differently and while my Courtroom Assistant created a manual for her responsibilities, coverage staff may not follow our procedures. Finally, the procedures cannot account for human error. In _____ I had between 700-750 family law cases assigned to my division at any one time, both pre-decree and post decree. While the cases have varying degree of activity, each case has several pleadings within the case

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and based on the sheer volume of documents coming into the division daily, not to mention the phone calls and emails, there are times when an error can and does occur. If there are several petitions and motions filed within a short period of time of a similar nature within the same case, as was the situation in this case, there is increased chance for an error to occur. Due to the cross applications for attorney fees pending around the same time, the delay was human error.

Moving forward, before I rule on a motion or order, whether by paper or efile, I intend to make certain that the order specifically addresses the associated petition. While this is standard practice with other motions, with applications for attorney fees, it is not standard practice because there is usually only one application pending at a time. In this instance there were two applications pending around the same time. This will give my staff an indication of pleading the order should be associated with for notation and tracking purposes.

I take my responsibility as a judicial officer seriously. I understand how important the decisions I make impact the lives of the litigants. Because I understand how important the rulings are, I rarely rule from the bench as I believe each decision deserves my undivided consideration and contemplation away from the emotions that can exist in the courtroom at the time of trial. At the beginning of each hearing, I advise the parties of why we are there and conclude with advising the parties when they can expect my decision. In my time here, I have only vacated hearings due to my unexpected in and due to that cannot be rescheduled, otherwise I try to coordinate my schedule around my trial schedule.

I sincerely apologize for the error. I will make myself available to answer any questions or try to address any concerns the Commission may have in relation to this issue. I can be contacted at or via email at

Sincerely,