

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-198

Judge:

Complainant:

ORDER

A superior court judge self-reported a delayed ruling in a criminal law matter.

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: October 3, 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 October 3, 2025.

From the Chambers of

Arizona Commission on Judicial Conduct

1501 W. Washington Street, Suite 229

Phoenix, AZ 85007

cjc@courts.az.gov

Re: 60 Day Under-Advisement Violation by
of the County Superior Court.

Judge

Dear Commission:

I am writing to self-report a violation of Art. 6, Section 21, Ariz. Const.,¹ for the following County Superior Court matter:

v.

The matter that was submitted to me Defendant's Amended Motion for Deposition of Alleged Victims and Declaration that the "Victim Rights" Legislation is Unconstitutional, filed Docket Item The motion was based almost entirely on a federal Arizona case, *Ariz. Att'ys for Crim. Just. v Ducey*, 638 F. Supp. 3d 1048 (D. Ariz. 2022) that held A.R.S. Section 13-4433.B (the Victim Contact Limit statute) was unconstitutional. The defense motion sought to apply the *Ducey* reasoning to a portion of Rule 39, Ariz. R. Crim. Proc., which is the rules version of the Victims' Bill of Rights. Although *Ducey* was argued at the Ninth Circuit on February 5, 2024, at the time of Defendant's Amended Motion, it was still under advisement. By email exchange, the Court and the parties agreed

¹ Ariz. Const., Art. 6 Section 21. Superior court; speedy decisions
Section 21. Every matter submitted to a judge of the superior court for his decision shall be decided within sixty days from the date of submission thereof. The supreme court shall by rule provide for the speedy disposition of all matters not decided within such period.

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to hold oral argument at a hearing already set for [redacted] At that time, the parties said they would rest on their filings. The next day, the Ninth Circuit issued its opinion *Ariz. Att'ys for Crim. Just. v. Mayes*, 127 F.4th 105, 9th Cir. (Ariz.), Jan. 23, 2025. I didn't know yet about *Mayes* and sent a first draft of my ruling to our clerk on [redacted] I learned about *Mayes* shortly after it came out. The *Mayes* opinion muddied further an already complicated, controversial decision for me to make.

When I learned about *Mayes*, I asked the staff attorney (who had provided analysis earlier in the case) to review *Mayes* and give me his analysis. I needed time to review the district court opinion, the Ninth Circuit opinion and the staff analyses. I should have realized that the case would require many hours and sought an extension from [redacted] for my judicial certification but did not. It is not always possible to have " [redacted] " during office hours so I primarily worked on the [redacted] ruling at home.

My

[redacted] which became all too apparent on [redacted] situation has required [redacted] including [redacted] as well as pursuing a conservatorship.

After multiple drafts, I was ready to ask colleagues to review my proposed resolution, on [redacted] Once I had feedback from them, I gave the word to file the final version to our clerk on [redacted] It appeared on the docket on [redacted]

In failing to get a ruling out sooner, and in failing to seek an exception from [redacted] I violated at least two rules of the Code of Judicial Conduct:

RULE 1.1. Compliance with the Law

A judge shall comply with the law, including the Code of Judicial Conduct.

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RULE 2.5. Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently, diligently, and promptly.

Even from the date the Ninth Circuit issued its ruling, January 26, 2025, I was late, as I gave the clerk my final draft _____ dates after the opinion issued.

The rigorous 60-Day-Rule tracking that we did on _____ Court I allowed to fall away, as in _____ Court, I have hardly ever had a 60-Day list, because I've been able to process cases much more quickly now than on the _____ Court assignment. My division has worked together to tighten the reins.

_____ has been out of custody since posting bond on _____

At the last court date, _____ the parties agreed to a 60 day continuance of the current trial setting. It wasn't because they were waiting for my ruling. The reasons were a newly-assigned prosecutor, a defense attorney in mid-trial in another state and time for negotiations. The attorneys are _____ and _____

Please let me know if I can provide you with any additional information.

Sincerely,


Judge

cc: Judge

Judge

Presiding Judge)

Judge