

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 25-417

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, 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 members Roger D. Barton and Delia R. Neal 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.

Attachments: [image001.png](#)

From:

Sent:

To:

Subject:

Ms. Elliot,

I am emailing you to self-report a violation of the 60-day deadline to rule on pending matters. It came to my attention this week that I had an outstanding matter well over the 60-day deadline. The facts are as follows:

In _____, Petitioner (who is also the Personal Representative for Decedent's Estate and Successor Trustee) filed a *Petition for Instructions* on _____. A hearing on the petition was first held on _____. During the hearing, I decided that I needed documentation from Petitioner and directed his counsel to file bank statements and took the matter under advisement upon the bank statements being filed. I further set it for a Non-Appearance Hearing for _____.

On _____, Petitioner filed bank statements. At the _____ hearing, I noted that the statements had been filed, that the matter was taken under advisement on _____ and set the matter for a Non-Appearance Hearing on _____ to review the bank statements.

On _____, after reviewing the statements, I requested an additional bank statement showing evidence of a financial transaction and set the matter for a Final Non-Appearance Hearing _____. On _____, Petitioner filed additional bank statements. At the _____ Non-Appearance Hearing, I noted that additional documents had been received and again took the matter under further advisement and set an internal review for _____.

As all documents had been received and no additional hearings set, and believing the matter was ready for ruling on _____, I took the matter under further advisement. Sixty (60) days from _____ means a ruling needed to be issued no later than _____ (the matter was not ready for ruling on _____ as additional documentation was needed as determined at the _____ hearing).

Unfortunately, my process of keeping track of under advisement matters was not successful in this instance. In my office I have a place where I try to keep the physical files for under advisement rulings (I used to keep a list of matters taken under advisement in a word document only available to myself but quit using this system earlier this year). This way I can visually see if I have anything pending. Unfortunately, either after my _____ hearing or internal

review on _____, the file never got placed in the “Under Advisement” location/stack (I don’t recall if it was ever placed in this location prior to _____ or whether I even internally reviewed the file on _____). Not seeing it in my stack of “Under Advisement” cases, I did not realize I had a pending ruling in this matter (and with all the matters I have, I certainly did not remember an under advisement ruling was still pending).

As a result, a ruling was never issued by _____ On _____, counsel for Petitioner filed a *Notice of Expiration and Request for Ruling*, notifying me that my 60-day deadline had expired and requested a ruling on the issues outlined in the Petition. My Judicial Assistant notified me of this filing on the morning of _____.

Upon being notified that I missed a 60-day ruling, I immediately reviewed the file and again went through all of the bank statements to issue a ruling. Upon doing so, I concluded that I needed additional testimony from the Petitioner/Personal Representative regarding one financial account/transaction. As the 60 days had already expired and desiring to issue a ruling as soon as possible, I had my judicial assistant reach out to Petitioner’s counsel to set up a hearing that day or the next day. Petitioner was available the next day, and a hearing was scheduled for _____ at _____.

During the _____ hearing, I thanked counsel for filing their motion notifying me that I had missed the 60-day deadline. I believe I also apologized to counsel for not issuing a ruling. I took testimony from Petitioner and issued a ruling which resolved the Petition for Instructions.

As the deadline was _____ and a decision was not made until _____ set it for a hearing to receive additional testimony, it was 27 days past the 60-day deadline. My judicial assistant and I discussed how to implement some safeguards to prevent this violation from occurring again.

One of the programs I use is _____. My judicial assistant created a new folder in _____ labeled “Under Advisements” to list all cases which I have taken under advisement. It is a list that includes the case number, hearing, date taken under advisement, and the due date. We both have access to this list and can update it.

In order for the Under Advisements list effective, it must be as complete as possible. While I will still utilize the location for physical files in my office to try to see if I have any matters under advisement, I intend to take time during any hearing in which I take a matter under advisement (regardless how busy the calendar is) to either 1) email my Judicial Assistant that I am taking a matter under advisement (so she can put it onto our Under Advisement calendar) or 2) put the case information in our _____ Under Advisements folder myself during the hearing. This way, if I have a matter where the physical file never makes it to my office location for Under Advisements, and if the matter does not make it onto the Clerk’s Under Advisement calendar, we will have a record of it and not lose track of it. This is probably the most important measure to take as after a day of multiple hearings, it is easy to forget what happened in a particular matter.

Additionally, I am having my Judicial Assistant pull the Under Advisement calendar from the Clerk’s office on a regular basis (at least every other Friday) in an effort to ensure we do not miss a pending ruling.

Finally, if I have a matter under advisement that I want to review prior to the deadline, I

am going to set it for a Non-Appearance Hearing to review rather than an Internal Review. Doing so in this case might have prevented me from losing track of this pending matter. Between _____ and _____, which is about 4 weeks or 2 pay periods, I likely signed two certificates that I had no pending matters due over 60 days. As I was under the belief that I had no matters pending more than 60 days, I signed those certificates in good faith. Upon realizing that I did have a matter past the sixty (60) days, I immediately took steps to resolve the matter.

Please let me know if you need anything more from me in regard to this matter. Thank you.

