

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 26-056

Judge:

Complainant:

ORDER

A superior court judge self-reported a delayed ruling in a civil 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 a confidential 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).

Dated: June 9, 2026

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, 2026.

Comp (Self-Report)

26-056

Attachments: [image001.png](#)
[31336474.pdf](#)
[31362765.pdf](#)
[image002.png](#)

From:
Sent: |
To:
Subject: FW: Delayed Ruling-Extension Granted-Self report

This sender is trusted.

From:
Sent: |
To:
Subject: FW: Delayed Ruling-Extension Granted-Self report

To the Commission on Judicial Conduct:

As described in the email below, I had a delayed ruling on a civil dismissal motion. I failed to set it for oral argument and did not issue a timely ruling violating the 60-day rule. Upon learning of my error, I sought and obtained an extension of time from See email exchange below. I took remedial action (Order setting hearing attached), and on held the untimely hearing, and issued ruling.(Hearing/ruling attached).

Accordingly, I hereby self-report this regrettable occurrence to the Judicial Conduct Commission. If any additional information is desired by the Commission, please advise.

With regret and apologies to the Commission,

Hon.

County Superior Court

From:
Sent:
To:
Cc:
Subject: RE: Delayed Ruling-Extension Requested

Dear

Sometimes, despite our best efforts, things fall through the cracks. That's what happened here. Thanks for the thorough explanation. Your request is granted.

Have a nice weekend.

From:
Sent:
To:
Subject: Delayed Ruling-Extension Requested

On _____ I learned I have not complied with the 60-day rule in _____ and therefore submit a request for a 30-day extension for my ruling, as described below:

Pro per Defendant's Motion to Dismiss for Fraud Upon the Court, was filed _____, by hard copy filing. My chambers has no record of receiving a copy, nor does the certificate of service reflect a copy was sent to chambers. On _____, this

Court granted Plaintiff's pending _____, *Motion to Continue the Case on the Dismissal Calendar*, and ordered the parties to file their Joint Report and proposed Scheduling Order on or before _____, noting that failure to do so will result in dismissal without prejudice and without further notice to the parties.

Pro per Plaintiff filed *Answer/Opposition to Defendant's Motion to Dismiss* on _____. My chambers has no record of receiving a copy, nor does the certificate of service reflect a copy was sent to chambers. On _____, Defendant's counsel filed a *Notice of Appearance*, and a substitute *Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted, Counterclaim for Unjust Enrichment, and Request for Attorney Fees*. Research has confirmed defense counsel properly electronically filed this Motion requesting judicial review. My Judicial Administrative Assistant, however, did not act on this. Plaintiff filed a *Response to Defendant's Motion to Dismiss*, on _____. My chambers has no record of receiving a copy, nor does the certificate of service reflect a copy was sent to chambers. On _____, Defendant electronically filed a *Reply Brief in Support of Defendant/Counterclaimant Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted*. Research has confirmed no judicial action was requested as required. Nevertheless, I should have anticipated these filings and therefore the Motion to Dismiss was at issue as of _____, requiring a ruling on or before _____.

On _____, Plaintiff filed his [Sur Reply] *Response to Defendant's Reply Brief*. My chambers has no record of receiving a copy, nor does the certificate of service reflect a copy was sent to chambers. Defendant electronically filed a *Request for Oral Argument* on _____, and indicated judicial action. On _____, Defendant filed a *Motion to Set Hearing*. Research has confirmed the Request for Hearing and proposed Order to Set Hearing were properly filed and lodged with this Division on _____, but no judicial action was requested for the _____, filing.

My failures to act in this case on the pending Motion to Dismiss was brought to my attention on _____, by Civil Presiding Judge _____ as a result of defense counsel contacting his chambers. I immediately issued an In Chambers Order, apologized to the parties for the delay in that Order, and set oral argument on Defendant's *Motion to Dismiss* for Friday, _____.

I was unaware of these filings since entering my Order on _____. This Division's assigned judicial staff has been unable to determine why the _____, *Motion to Dismiss* and the Request for oral argument were not processed and forwarded to me for action.

As noted above, my ruling was due on or before _____, with or without setting oral argument. I anticipate being able to rule on the record at the _____, oral argument hearing or at the latest on or before _____. Accordingly, I am requesting a 30-day extension to _____.

Regarding why I neglected to identify a pending motion and rule timely:

My Judicial Administrative Assistant, _____, and I have worked together for more than _____ beginning _____, and afterwards at the Court. We work very well with each other, and she has a system wherein she tracks the “next event” for each filing by printing the electronic filing or the hard copy if self-represented party and placing it in a hanging folder corresponding to the response date. As noted above, the next event date pursuant to my _____, Order was _____, but the _____, Motion to Dismiss was filed in the interim. No documents were found in any of the calendared dates in _____ and my judicial administrative assistant believes she must have inadvertently deleted the electronically filed *Motion to Dismiss* from her notifications without having printed that Motion first. Alternatively, it was printed and inadvertently clipped with another matter not needing future judicial action.

Our system works well but as shown here, is not foolproof. This delay in ruling is inexcusable on my part and my judicial administrative assistant and I have implemented a quarterly review of pending matters to enhance review and action on my pending matters. Given this matter reflects a 30-day delay, I will also self-report this matter to the Judicial Conduct Commission.

I am available to answer any questions and/or submit information needed to consider this request.

With regret and apologies to the Court,

Hon.

County Superior Court

SUPERIOR COURT, COUNTY

HON.

CASE NO.

DATE:

Petitioner

VS.

Defendant

ORDER

IN CHAMBERS ORDER RE: DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED, COUNTERCLAIM FOR UNJUST ENRICHMENT, AND REQUEST FOR ATTORNEY FEES

Review of the Court's electronic file reflects: Defendant's *Motion to Dismiss for Fraud Upon the Court*, was filed . Prior to receiving the Defendant's , *Motion to Dismiss*, on , this Court granted Plaintiff's , *Motion to Continue the Case on the Dismissal Calendar*, and ordered the parties to file their Joint Report and proposed Scheduling Order on or before , noting that failure to do so will result in dismissal without prejudice and without further notice.

Plaintiff filed *Answer/Opposition to Defendant's Motion to Dismiss* on . On r , Defendant's counsel filed a *Notice of Appearance*, and a substitute *Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted, Counterclaim for Unjust Enrichment, and Request for Attorney Fees*. Plaintiff filed a *Response to Defendant's Motion to Dismiss*, on . On

Defendant filed a *Reply Brief in Support of Defendant/Counterclaimant Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted*.

On , Plaintiff filed his [Surreply] *Response to Defendant's Reply Brief*. Defendant filed a *Request for Oral Argument* on . Research on this date reflects proposed Orders to Set Hearing were lodged with this Division on , and .

The Court was unaware of these filings since entering its Order on . This Division's

Judicial Administrative Assistant

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**