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8 **STATE OF ARIZONA**
9 **COMMISSION ON JUDICIAL CONDUCT**

10 Inquiry concerning
11 JUDGE PATTY NOLAN
12 Justice of the Peace
13 Globe Regional Justice Court
14 Gila County
15 State of Arizona,

NO. 09-088 and 09-244

**RESPONSE TO STATEMENT OF
CHARGES**

Respondent.

16 COMES NOW Judge Patty Nolan, by and through counsel undersigned, and
17 respectfully submits her response to the Commission on Judicial Conduct's Statement of
18 Charges, as follows:

JURISDICTION

19 1. Respondent Patty Nolan admits paragraphs 1, 2, 3 and 4 of the
20 Jurisdictional claims.

ALLEGATIONS COMMON TO ALL COUNTS

21 2. Admits to allegations in paragraphs 5, 6, 7 and 8.
22 3. As to Paragraph 9, Respondent Judge is without sufficient
23 information to know the number of cases where the county attorney's office filed motions
24 to dismiss and therefore denies that claim.

25 4. As to Paragraph 10, Judge Nolan has had meetings with various
26 personnel including the County Attorney, the Superior Court, the Gila County Board of
27 Supervisors, and others over the previous four years. Because the allegation fails to
28 identify the specific meetings, Respondent judge denies the claim and requests strict proof

1 there. Respondent also denies the claim that “significant case processing delays persisted
2 in her court.”

3 5. As to Paragraph 11, Respondent believes that Judge Cahill contacted
4 the AOC in 2009, but since she was not a party to the conversation, denies the same.
5 Respondent does admit that on-site assessment was conducted in March and April of
6 2009. She is without sufficient information to determine whether the assessment was
7 “limited” and therefore denies the same.

8 6. As to Paragraph 12, Respondent judge admits that the Arizona
9 Supreme Court, on April 1, 2009, issued Administrative Order 2009-35 giving
10 administrative control and oversight of the Globe Regional Justice Court to Judge Cahill.
11 Respondent judge denies that she received a de factor suspension for four months. During
12 her time away from the court, she was reassigned to the Payson Justice Court and did
13 work in that court.

14 7. As to paragraph 13, Respondent admits that she is ultimately
15 responsible for administrative oversight of her court, including the maintenance of court
16 records and supervision of court staff. However, Respondent also believes that when the
17 court is inadequately staffed, has ineffective and outdated computer equipment, and a high
18 turnover rate, when employee replacement is thwarted because of county mandated
19 freezes, and when the County Attorney’s office has a staggering turnover that affects the
20 management of cases, that others share in that responsibility.

21 **COUNT I**

22 **FAILURE TO ISSUE WARRANTS AND JUDGMENTS ON A TIMELY BASIS**

23 8. As to Paragraph 14, Respondent admits that she has failed to issue
24 warrants and default judgments in a timely manner She denies that the failure is repeated
25 or deliberate.

26 9. As to paragraph 15, Respondent admits that there were delays in
27 processing warrants and judgments, as there are in probably all courts with the caseload of
28 this court. Respondent denies that the delays were willful, or were caused by

1 incompetency or from a lack of willingness to work to the best of her ability. Many of the
2 delays were caused by events beyond her control.

3 10. As to paragraph 16, Respondent admits that the Commission
4 identified eleven specific cases where Respondent failed to issue warrants or default
5 judgments. Respondent admits that the selected eleven cases did have delays between 50
6 and 1,782 days. Many of the delays were caused by events beyond her control.

7 11. As to paragraph 17, Respondent admits that the assessment involved
8 delays beyond the eleven cases. Without admitting or denying the accuracy of the
9 Assessment, Respondent admits that the assessment identified an estimated 1,864 cases
10 involving warrants and default judgments.

11 12. Respondent admits paragraph 18.

12 13. Respondent denies all allegations set forth in Paragraph 19. The cited
13 rules suggest misconduct and malfeasance. In truth, Judge Nolan is the hardest working
14 judge that has filled the position of Justice of the Peace in Globe in over two decades.
15 Any suggestion that the delays in issuing warrants or deciding issues are due to laziness,
16 incompetency, or insufficient commitment to her duties are untrue. While in fact delays
17 have existed, and prior complaints about the delays have been made, the fault does not
18 arise from a lack of competence, commitment, or effort. The reasons for the delays are
19 eightfold:

20 a. In 1999, the Board of Supervisors consolidated five separate
21 courts into two courts. Judge Nolan presides over BOTH the municipal court and the
22 justice court.

23 b. The caseloads filed in her court are staggering. There is not
24 enough time in a day to remain current on the staggering quantities of cases filed in her
25 court.

26 c. Pleas for help to the Board of Supervisors to assist her in
27 remaining current on the staggering demands of her court have been ignored. To make
28 matters worse, Hiring Freezes have complicated catching up to the case load.

1 d. Many of the delays were occasioned by procedures that made
2 it almost impossible to comply with the 30 day requirements. If a person cited for a traffic
3 citation failed to appear, the practice of the court was to send out a letter warning the
4 person to appear and pay the fine. The court was trying to collect revenues without
5 issuing warrants against otherwise responsible citizens.

6 e. Another enormous contributor to the delays were the turnover
7 in Judge Nolan's office. Because of low pay and exhaustive demands of the job, the judge
8 had an almost impossible task of keeping up with the caseload with new personnel.

9 f. Another factor contributing to the delay was the turnover in
10 the County Attorney's office. In a period of only a few years, nine separate prosecutor's
11 came and left her court.

12 g. Judge Nolan has regularly worked 60-70 hours/week,
13 including weekends and holidays, trying to process the case load with her court.
14 Witnesses called by the defense will affirm that when all others have left the courthouse,
15 she remains there working into the night.

16 h. The computer system was antiquated and disturbingly slow.

17 **COUNT II**

18 **FAILURE TO TIMELY SET HEARINGS OR TRIALS**

19 14. As to paragraph 20, Respondent denies that she has repeatedly failed
20 to calendar hearings and trials on a timely basis. Respondent admits that as part of the
21 2004 Review and the 2007 and 2008 meetings, the issue of case processing delays was
22 discussed including delays in "calendar (sic) hearings and trial."

23 15. As to paragraph 21, Respondent denies the allegations as set forth in
24 that paragraph.

25 16. As to paragraph 22, Respondent admits that the Commission
26 identified seven specific cases in which the Commission believed that the Respondent
27 failed to calendar a hearing or trial within what the Commission deemed to be a
28 reasonable time once the defendant had pled not guilty or a party requested a continuance.

1 The Respondent admits that the seven cases had a range between 110 and 251 days for a
2 trial or hearing setting. The Respondent admits that two of the cases were dismissed
3 because of delays.

4 17. As to paragraph 23, Respondent admits that the Assessment
5 identified 80 cases involving delays. Respondent has not broken down or calculated the
6 percentage of cases that had been awaiting calendaring for at least two years and therefore
7 denies the same.

8 18. As to paragraph 24, Respondent denies that allegation in its entirety
9 for the same reasons as set forth in the answer in Paragraph 18.

10 **COUNT III**

11 **FAILURE TO ISSUE RULINGS ON A TIMELY BASIS**

12 19. As to paragraph 25, Respondent denies that she has repeatedly failed
13 to issue timely rulings on matters taken under advisement. Respondent admits to the
14 remaining allegations in paragraph 25.

15 20. As to Paragraph 26, Respondent admits that the AOC identified 86
16 cases awaiting judicial decision. She does not recall the age of those 86 cases and
17 therefore denies that they went back to 2001. Respondent admits that since 2004, she has
18 delayed ruling on matters taken under advisement. She maintains that these delays were
19 not caused by incompetence, laziness, or lack of commitment but were caused by issues
20 set forth in Paragraph 18.

21 21. As to paragraph 27, Respondent admits that the 2009 Assessment
22 identified four cases in which Respondent failed to issue a ruling for more than 60 days.
23 Respondent admits that the four cases selected in the Assessment had ranges between 624
24 days and 2,847 days. In a court that handles the staggering caseload of Respondent's
25 court, Respondent believes that other courts similarly situated would face the same type of
26 delays.
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28

1 a. In 1999, the Board of Supervisors consolidated five separate
2 courts into two courts. Judge Nolan presides over BOTH the municipal court and the
3 justice court.

4 b. The caseloads filed in her court are staggering. There is not
5 enough time in a day to remain current on the staggering quantities of cases filed in her
6 court.

7 c. Pleas for help to the Board of Supervisors to assist her in
8 remaining current on the staggering demands of her court have been ignored. To make
9 matters worse, Hiring Freezes have complicated catching up to the case load.

10 d. Many of the delays were occasioned by procedures that made
11 it almost impossible to comply with the 30 day requirements. If a person cited for a traffic
12 citation failed to appear, the practice of the court was to send out a letter warning the
13 person to appear and pay the fine. The court was trying to collect revenues without
14 issuing warrants against otherwise responsible citizens.

15 e. Another enormous contributor to the delays were the turnover
16 in Judge Nolan's office. Because of low pay and exhaustive demands of the job, the judge
17 had an almost impossible task of keeping up with the caseload with new personnel.

18 f. Another factor contributing to the delay was the turnover in
19 the County Attorney's office. In a period of only a few years, nine separate prosecutor's
20 came and left her court.

21 g. Judge Nolan has regularly worked 60-70 hours/week,
22 including weekends and holidays, trying to process the case load with her court.
23 Witnesses called by the defense will affirm that when all others have left the courthouse,
24 she remains there working into the night.

25 h. The computer system was antiquated and disturbingly slow.

26 i. There have been personal problems relating to the care and
27 death of Respondent's mother.

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RESPECTFULLY SUBMITTED this 5th day of April, 2010.

JONES, SKELTON & HOCHULI, P.L.C.

By A. Melvin McDonald
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ORIGINAL hand-delivered this 5th day
of April, to:

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