

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 08-151

Complainant: No. 0308110742A

Judge: No. 0308110742B

ORDER

The Commission on Judicial Conduct reviewed a self-reported incident involving delay and found no wrongdoing on the part of the judge. Although the judge ruled on a motion after the applicable time limit had expired, the delay was the result of an inadvertent clerical error. Therefore, the case was closed pursuant to Rules 16(a) and 23.

Dated: September 17, 2008.

FOR THE COMMISSION

 /s\ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on September 17, 2008.

This order may not be used as a basis for disqualification of a judge.

CJC-08-151

JUN 13 2008



SUPERIOR COURT OF ARIZONA

June 12, 2008

Commission on Judicial Conduct
1501 West Washington
Phoenix, AZ 85007

RE: Self-reporting violation of 60-day rule

To the Commission:

I was advised this morning that an inadvertent violation of the 60-day rule has occurred. In Defendant filed a motion for leave to file a third party complaint on Defendant filed a notice of withdrawal of the motion. Defendant re-filed the motion using the same caption (rather than calling it an amended motion or a second motion). My judicial assistant failed to recognize that it was a newly filed motion, and thought that it was the motion that had been withdrawn. A response would have been due by no response to the motion was filed. By my count, the motion has been pending ruling for 76 days.

Yesterday this division was contacted by Defendant, who inquired as to the status of the motion. I asked them to get an order to me, which they promptly did, and I signed the order today granting the motion.

I have discussed with my judicial assistant the necessity to pay close attention to filing dates so that this does not happen in the future.

I attach the motions for your reference.

Sincerely,