

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-231

Complainant: No. 0308100378A

Judge: No. 0308100378B

ORDER

The commission reviewed a self-reported incident involving delay and concluded that the problem was the result of clerical error. The commission dismissed the complaint with a confidential comment reminding the judge of her obligation to rule on matters promptly. The complaint is dismissed pursuant to Rules 16(a) and 23(a).

Dated: December 8, 2009.

FOR THE COMMISSION

\s\ William Brammer

J. William Brammer, Jr.
Commission Chair

Copies of this order were mailed
to the complainant and the judge
on December 8, 2009.

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

Arizona Superior Court

CJC 09-231

AUG 27 2009

August 20, 2009

Commission on Judicial Conduct
1501 W. Washington Suite 229
Phoenix, Arizona 85007

Dear Commission:

I regret to inform that I have inadvertently exceeded the 60 day period upon which to rule on a matter taken under advisement.

I am currently serving on a IV-D caseload. County case number #SP2008 was heard on 5-8-09. The parties are and The matter was transferred to County from County. The Attorney General filed a Petition to Modify the Child Support order entered in the (County) Decree of Dissolution of Marriage based on one of the parties' two children residing with the father. During the hearing, it became apparent that in addition to the recalculation of child support, significant issues regarding arrears for child support and possibly spousal maintenance needed to be heard. There was insufficient time to hear all of the matters, therefore the matter of child support modification was taken under advisement and the remainder of the matters were continued for hearing on 8-18-08.

In preparing the file for the continued hearing on 8-18-09, my Judicial Administrative Assistant discovered that the under advisement ruling had not been reported to her by the courtroom clerk and therefore was not scheduled by her for a ruling. At the conclusion of each day's calendar, the courtroom clerk marks on the calendar the result of each hearing and provides it to my Judicial Administrative Assistant who enters the results into AGAVE. As you will see from the enclosed copy of that day's calendar, the courtroom clerk noted that other cases were marked and circled "UA" but only reported the case as "continued". The courtroom clerk that day was in training and perhaps did not realize that although part of the case was continued, the child support matter needed to be reported as under advisement.

I attempt to be very vigilant about Under Advisement rulings and I regret that this matter escaped my attention and delayed the ruling. My Judicial Administrative and I attempt to have a double check system for these matters, to prevent this from happening. We will review our system to

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determine if there is any way to avoid this happening in the future.

I have now ruled on the matter and apologized to the parties and the Attorney General for the delay in the ruling. Unfortunately, on 8-18-09, just prior to the continued hearing I became ill and was hospitalized, and the remainder of the calendar, including the hearing had to be continued one more time.

Please contact me if you need any further information. Thank you for your attention to this matter.

Sincerely,