

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 09-284

Complainant: No. 0308110327A

Judge: No. 0308110327B

ORDER

The commission reviewed a self-reported incident involving delay and concluded that several mitigating factors contributed to the problem. The commission dismissed the complaint with a confidential comment pursuant to Rule 16(b) and 23.

Dated: March 16, 2010.

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 March 16, 2010.

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

Tucson, Arizona 85701-1334

OCT 16 2009

email:

October 14, 2009

Commission on Judicial Conduct
Attn: Keith Stotts, Executive Director
1501 West Washington Street Ste. 229
Phoenix, Arizona 85007

Dear Mr. Stotts and Honorable Commissioners:

I write to self-report that I missed the 60-day requirement on ruling on a motion to reconsider filed by the plaintiff in C2008

This matter involves a contract dispute between a prospective purchaser and a land developer in as I recall, the White Mountains. The developer sued the purchaser, Ms. [redacted] when she rescinded the purchase agreement for the subject residential property. [redacted] filed a complaint on February 4, 2008. [redacted] later sought Rule 56(c) relief. Ms. [redacted] opposed the request and [redacted] replied. Ms. [redacted] also filed her own cross summary judgment motion, to which [redacted] opposed. I held a hearing on both matters on May 5, 2009, and after taking the matter under advisement, issued a written ruling on June 4, 2009.

On June 16, 2009, Sky High sought reconsideration. Ms. [redacted] at the court's behest, responded on July 17, 2009. This Court's denial of [redacted] reconsideration motion, however, was filed belatedly on October 6, 2009.

This oversight was the product of several factors. First, I took my family for a 20-year anniversary vacation to Kauai and then Oahu from June 21, 2009 until my return on July 6, 2009. The day after my return, on July 7, 2009, I took a four-day jury trial from a colleague. On that same day, my judicial assistance left work complaining of abdominal discomfort, and ended up that night in the hospital with an emergency appendectomy. Upon completion of convalescence, my assistance was unable to return to work until July 22, 2009.

Our division has set up a comprehensive in-coming and out-going check list for under advisements and "M-Book" rulings. However, apparently I had a pair of temps who perhaps, failed to input the reconsideration or its response into the check list. As a consequence, I was unaware that I had failed to send out the denial.

While I am not condoning the oversight and recognize that I am responsible for the error, I believe that the mistake is an isolated matter. Still, I will strive to minimize such occurrences.

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Should you be in need of anything further, please do not hesitate to contact me. For your convenience, I have attached a copy of the motion for reconsideration, response, and my ruling, along with my original ruling addressing the parties' respective summary judgment and cross-summary judgment requests.

PET/rm

Encl.