

State of Arizona  
COMMISSION ON JUDICIAL CONDUCT

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Disposition of Complaint 10-068

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Complainant: No. 0308110699A

Judge: No. 0308110699B

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**ORDER**

The commission reviewed a self-reported incident involving delay and concluded that the problem was an isolated oversight. Pursuant to Rules 16(b) and 23(a), the issue was resolved with a private comment reminding the judge of his obligation to dispose of all judicial matters promptly.

Dated: June 16, 2010.

FOR THE COMMISSION

\s\ William Brammer

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J. William Brammer, Jr.  
Commission Chair

Copies of this order were mailed  
to the judge on June 16, 2010.

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



2010-068

MAR 17 2010  
MAR 17 2010

**SUPERIOR COURT OF ARIZONA**  
MARICOPA COUNTY

March 16, 2010

Judicial Ethics Committee  
1501 W. Washington St.  
Phoenix, Az. 85007

Re:

Attention: Mr. Keith Stott

Dear Mr. Stott:

I am reporting a possible violation of the 60-day rule in the above referenced case that arose because I misread the court's computer docket. The issue involves Petitioner's Motion for on October 5, 2009 ("Motion"). In the Motion, Petitioner requested contempt-type sanctions against his ex-wife, after the Court found his ex-wife's failure to pay on past judgments to be unreasonable. I ordered a Response be filed by November 5, 2009; it was filed November 6, 2009.

Within the 60 days, I prepared to rule, on or about January 4, 2010. I saw in the court's computerized docket that Respondent had filed Motion to appear telephonically at a Sanctions Hearing. I also saw that Commissioner denied Respondent's Motion and a hearing was held on 12/31/09. Because there was only one sanctions-motion pending, I assumed, incorrectly, that Commissioner picked up the sanctions issue and I took no further action.

In fact, however, the only matter before Commissioner involved child support modification. I was made aware of the need to rule on the sanctions issue when Petitioner filed "Request for Judgment for Sanctions," on February 25, 2010. My Division received the Request for a ruling on March 6, 2010. On March 15, 2010, I directed a minute entry be issued, ruling on the Motion.

In short, my misinterpretation of the docket entries led to my confusion. Certainly, a closer reading of the docket would have alerted me to the conclusion that Commissioner's hearing did not address the sanctions issue. Commissioner apparently believed Respondent was requesting a telephonic appearance at the child support hearing pending before and ruled on the Request, despite the fact the Respondent requested a telephonic appearance at a sanctions hearing.<sup>1</sup>

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<sup>1</sup> I reviewed the file and could not identify the hearing for which Respondent wanted a telephonic appearance. No hearing on sanctions, as far I can determine, was set.

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The docketing was confusing and I should have examined it more closely. I will certainly read the docket entries, much more carefully in the future to avoid the same error.

If you have any questions about the matter, please feel free to contact me.

Very truly yours.

Superior Court Judge