

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 07-047

Complainant: No. 0308100448A

Judge: No. 0308100448B

ORDER

The commission reviewed the complaint and dismissed the case because of the judge's prompt action when the problem was brought to his attention. The judge was reminded to rule on matters on a timely basis. The case is closed pursuant to Rules 16(a) and 23(a).

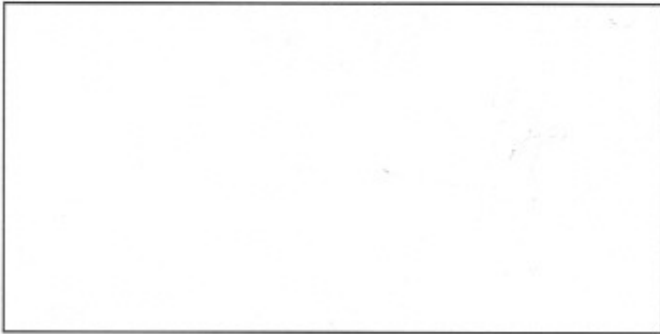
Dated: April 4, 2007

FOR THE COMMISSION

/s/ Keith Stott
Executive Director

Copies of this order were mailed to the complainant and the judge on April 4, 2007.

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



FEB 12 2007

CJC-07-047

February 9, 2007

Mr. Keith Stott, Executive Director
Commission on Judicial Conduct
Arizona Supreme Court
1501 West Washington Street, Suite 229
Phoenix, Arizona 85007

Re: Case No.

Dear Mr. Stott:

The purpose of this correspondence is to report an incident of inadvertent error to the Commission on Judicial Conduct.

The incident involves a small claims case filed in the Justice Court in 2006. The complaint lists as plaintiff and as defendant. A hearing officer heard the case on and awarded judgment to the plaintiff. Unfortunately, the hearing officer included an as a second party on her judgment order even though the was never named in the complaint. This was clearly an error on the part of the hearing officer. filed a motion to vacate the judgment on . The motion was presented to me for a ruling, however, I did not want to rule on the case until the plaintiff had the appropriate opportunity to respond. The plaintiff did respond in a timely manner, however, that response and the case file were misplaced.

On I located the file and ordered that the judgment in the case be vacated and that the matter be set for a new hearing. Obviously, this ruling was made well after the sixty-day time limit had expired. This obvious error was inadvertent, however, it was due to my own carelessness and should not be attributed to the court staff. I had simply misplaced the file in my office.

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I am well aware of the statutory requirement that no matter submitted to me for a ruling be held for more than sixty days and no situation of this nature has occurred in the years I have been on the bench. I want to assure you and the Commission that I will take proper steps to ensure that this type of violation never occurs again.

Sincerely

